

<p style="text-align: center;">Page 1</p> <p>IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO EASTERN DIVISION - - -</p> <p>IN RE: NATIONAL : HON DAN A PRESCRIPTION OPIATE : POLSTER LITIGATION : MDL NO 2804 : APPLIES TO ALL CASES : NO : 1:17-MD-2804 : - HIGHLY CONFIDENTIAL -</p> <p>SUBJECT TO FURTHER CONFIDENTIALITY REVIEW - - -</p> <p style="text-align: center;">December 11, 2018 - - -</p> <p>Videotaped deposition of NANCY BARAN, taken pursuant to notice, was held at the offices of Carella Byrne, P C , 5 Becker Farm Road, Roseland, New Jersey, beginning at 9:02 a m , on the above date, before Michelle L Gray, a Registered Professional Reporter, Certified Shorthand Reporter, Certified Realtime Reporter, and Notary Public - - -</p> <p style="text-align: center;">GOLKOW LITIGATION SERVICES 877 370 3377 ph   917 591 5672 fax deps@golkow.com</p>	<p style="text-align: center;">Page 2</p> <p>1 APPEARANCES: 2 ROBBINS GELLER RUDMAN &amp; DOWD, LLP 3 BY: DORY P ANTULLIS, ESQ 4 MARK J DEARMAN, ESQ 5 120 East Palmetto Park Road Boca Raton, Florida 33432 5 (561) 750-3000 dantullis@grdlaw.com 6 mdearman@grdlaw.com Representing the Plaintiffs 7 8 KIRKLAND &amp; ELLIS, LLP BY: JENNIFER G LEVY, ESQ 9 KAITLYN COVERSTONE, ESQ 300 North LaSalle Street 10 Chicago, Illinois 60654 (312) 862-7184 11 jennifer levy@kirkland.com kaitlyn coverstone@kirkland.com 12 Representing the Defendant, Allergan Finance and the Witness 13 14 MORGAN LEWIS &amp; BOCKIUS, LLP BY: STEVEN A LUXTON, ESQ 15 1111 Pennsylvania Avenue NW Washington, D C 20004 16 (202) 739-5452 steven.luxton@morganlewis.com 17 Representing the Defendant, Teva Pharmaceuticals 18 19 ALLEGERT, BERGER &amp; VOGEL, LLP BY: CHRISTOPHER ALLEGERT, ESQ 20 111 Broadway, 20th Floor New York, New York 10006 21 (212) 616-7060 callegert@abv.com 22 Representing the Defendant, Rochester Drug Co-Op 23 24</p>
<p style="text-align: center;">Page 3</p> <p>1 APPEARANCES: (Cont'd ) 2 3 JONES DAY 4 BY: CHRISTOPHER LOVRIEN, ESQ 5 555 South Flower Street, 50th Floor Los Angeles, California 90071 5 (213) 489-3939 cjlovrien@jonesday.com 6 Representing the Defendant, Walmart 7 8 WILLIAMS &amp; CONNOLLY, LLP 8 BY: JOEL S JOHNSON, ESQ 725 12th Street, NW 9 Washington, D C 20005 (202) 434-5148 10 jjohnson@wc.com Representing the Defendant, Cardinal Health 11 12 13 TELEPHONIC APPEARANCES: 14 15 CLARK MICHELLE, LLP 15 BY: BRUCE W CLARK, ESQ 220 Alexander Street 16 Princeton, New Jersey 08540 (609) 423-2144 17 bruce.clark@clarkmichelle.com Representing the Defendant, Pernix 18 19 REED SMITH, LLP 19 BY: SARAH B JOHANSEN, ESQ 20 355 South Grand Avenue, Suite 2900 Los Angeles, California 90071 21 (213) 457-8135 sjohansen@reedsmith.com 22 Representing the Defendant, AmerisourceBergen Drug Corporation 23 24</p>	<p style="text-align: center;">Page 4</p> <p>1 TELEPHONIC APPEARANCES: (Cont'd.) 2 3 ARNOLD &amp; PORTER KAYE SCHOLER, LLP 3 BY: SEAN A. McCORMICK, ESQ. 777 South Figueroa Street, 44th Floor 4 Los Angeles, California 90017 (213) 243-4000 5 Sean.mccormick@arnoldporter.com Representing the Defendants, Endo 6 Health Solutions; Endo Pharmaceuticals, Inc.; Par 7 Pharmaceutical Companies, Inc. f/k/a Par Pharmaceutical Holdings, Inc. 8 9 COVINGTON &amp; BURLING, LLP 9 BY: DEVON MOBLEY-RITTER, ESQ. 10 3000 El Camino Real Palo Alto, California 94306 11 (650) 632-4739 Dmobleyritter@cov.com 12 Representing the Defendant, McKesson Corporation 13 14 ALSO PRESENT: 15 16 VIDEOTAPE TECHNICIAN Henry Marte 17 18 19 20 21 22 23 24</p>

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1            - - -	1            THE VIDEOGRAPHER: We are
2            DEPOSITION SUPPORT INDEX	2            now on the record. My name is
3            - - -	3            Henry Marte, videographer with
4	4            Golkow Litigation Services.
5            Direction to Witness Not to Answer	5            Today's date is December 11,
6            PAGE LINE	6            2018. And the time is 9:02 a.m.
7            None.	7            This videotaped deposition
8            Request for Production of Documents	8            is being held in Roseland, New
9            PAGE LINE	9            Jersey, in the matter of National
10          None.	10          Prescription Opiate Litigation.
11          Stipulations	11          The deponent today is Nancy
12          PAGE LINE	12          Baran. All appearances will be
13          None.	13          noted on the stenographic record.
14          Questions Marked	14          Will the court reporter
15          PAGE LINE	15          please administer the oath to the
16          None.	16          witness.
17	17            - - -
18	18            ... NANCY BARAN, having been
19	19          first duly sworn, was examined and
20	20          testified as follows:
21	21          THE VIDEOGRAPHER: Counsel,
22	22          you may begin.
23	23            - - -
24	24          EXAMINATION
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1            - - -	1            some basic ground rules to help the
2          BY MS. ANTULLIS:	2            conversation go more smoothly and make
3          Q. Good morning.	3            sure we get a clean record.
4          A. Good morning.	4            I'm going to ask you a
5          Q. Nice to meet you.	5            series of questions. I ask that you
6          A. You as well.	6            allow me to finish the question before
7          Q. My name is Dory Antullis,	7            you respond. If you don't understand a
8          from Robbins, Geller, Rudman & Dowd, I'm	8            question, if I mumble or speak too
9          here for the plaintiffs.	9            quickly, something I'm guilty of, please
10         Please state your full name	10          just ask me to rephrase the question or
11         for the record.	11          say it louder. If you don't understand
12         A. Nancy Baran.	12          what I mean, ask me for clarification.
13         Q. Your address?	13          From time to time your
14         [REDACTED]	14          attorneys, Jenny or Steve, may object for
15	15          the record. Unless they instruct you not
16         Q. Are you currently employed?	16          to answer the question, you can still
17         A. No, I'm not.	17          answer the question to the best of your
18         Q. So you have no business	18          knowledge and ability. We will take
19         address; is that correct?	19          breaks from time to time. And if you
20         A. That's correct.	20          need to take a break, at any time just
21         Q. Okay. I'm just going to go	21          let me know. I only ask that you finish
22         through. Have you been deposed before?	22          any questions that we have pending at
23         A. No. This is the first time.	23          that time and then we'll go ahead and
24         Q. I'm just going to go through	24          take a break if you need to.

<p style="text-align: center;">Page 13</p> <p>1       A. Sure.</p> <p>2       Q. Are you taking any</p> <p>3       medication that would interfere with your</p> <p>4       ability to testify fully and truthfully</p> <p>5       today?</p> <p>6       A. No, I'm not.</p> <p>7       Q. Is there any other reason</p> <p>8       that would interfere with your ability to</p> <p>9       testify fully and truthfully today?</p> <p>10      A. No.</p> <p>11      Q. So the court reporter is</p> <p>12      going to be taking down everything you</p> <p>13      say. When you answer questions and I</p> <p>14      just -- I'm guilty of it. When you</p> <p>15      answer questions with yes or no, that</p> <p>16      makes it much easier for her to -- that</p> <p>17      makes a cleaner record. So we ask that</p> <p>18      you don't say or mm-hmm or unh-unh or</p> <p>19      yeah or nod your head, even though you</p> <p>20      are being videotaped --</p> <p>21      A. I will try that.</p> <p>22      Q. -- or try to enunciate a</p> <p>23      response. I will do my best to keep my</p> <p>24      umms on a minimum. And I make no</p>	<p style="text-align: center;">Page 14</p> <p>1       guarantees.</p> <p>2       You'll see that I'm going to</p> <p>3       be looking some -- on my screen, I've got</p> <p>4       some questions that I want to remember to</p> <p>5       ask you. I'm also going to be fumbling</p> <p>6       through documents. Bear with me.</p> <p>7       A. Okay.</p> <p>8       Q. So do you have any questions</p> <p>9       about what we've gone through so far?</p> <p>10      A. No, not at this time.</p> <p>11      Q. Okay.</p> <p>12      MS. MOBLEY-RITTER: Excuse</p> <p>13      me. Can I get the appearances for</p> <p>14      those on the phone?</p> <p>15      MS. LEVY: This is Jennifer</p> <p>16      Levy from Kirkland &amp; Ellis for the</p> <p>17      Allergan defendants.</p> <p>18      MS. COVERSTONE: This is</p> <p>19      Kaitlyn Coverstone from Kirkland &amp;</p> <p>20      Ellis for the Allergan defendants.</p> <p>21      MR. LUXTON: Steven Luxton</p> <p>22      from Morgan Lewis for the Teva</p> <p>23      defendants.</p> <p>24      MR. LOVRIEN: Chris Lovrien</p>
<p style="text-align: center;">Page 15</p> <p>1       of Jones Day on behalf of Walmart.</p> <p>2       MR. ALLEGAERT: Chris</p> <p>3       Allegaert of Allegaert Berger &amp;</p> <p>4       Vogel for Rochester Drug Co-op.</p> <p>5       MR. JOHNSON: Joel Johnson</p> <p>6       of Williams &amp; Connolly on behalf</p> <p>7       of Cardinal Health.</p> <p>8       MR. DEARMAN: Mark Dearman,</p> <p>9       Robbins Geller, on behalf of the</p> <p>10      plaintiffs.</p> <p>11      MS. ANTULLIS: Who's on the</p> <p>12      phone?</p> <p>13      MS. MOBLEY-RITTER: This is</p> <p>14      Devon Mobley-Ritter of Covington</p> <p>15      and Burling for McKesson.</p> <p>16      MS. ANTULLIS: Is that</p> <p>17      everybody?</p> <p>18      MR. McCORMICK: Good</p> <p>19      morning. This is Sean McCormick</p> <p>20      from Arnold &amp; Porter for the Endo</p> <p>21      and Par defendants.</p> <p>22      BY MS. ANTULLIS:</p> <p>23      Q. I'm going to show you what</p> <p>24      we're going to mark as Exhibit 1.</p>	<p style="text-align: center;">Page 16</p> <p>1       (Document marked for</p> <p>2       identification as Exhibit</p> <p>3       Baran-1.)</p> <p>4       BY MS. ANTULLIS:</p> <p>5       Q. Tab 1. Have you seen this</p> <p>6       document before?</p> <p>7       A. Yes, this is -- no, I did</p> <p>8       not.</p> <p>9       Q. Okay.</p> <p>10      A. This is not my invitation,</p> <p>11      this isn't what I thought it was. I'm</p> <p>12      sorry.</p> <p>13      MR. ALLEGAERT: Could I ask</p> <p>14      the witness to please keep her</p> <p>15      voice up. It's hard to hear down</p> <p>16      here.</p> <p>17      THE WITNESS: Certainly.</p> <p>18      MR. ALLEGAERT: Thank you.</p> <p>19      BY MS. ANTULLIS:</p> <p>20      Q. All right. So you haven't</p> <p>21      had an opportunity to review this yet?</p> <p>22      A. I have not seen this</p> <p>23      document, no.</p> <p>24      Q. Do you understand that</p>

<p style="text-align: center;">Page 17</p> <p>1 you're here to testify in -- to give 2 testimony in the case that's reflected in 3 the caption on that document?</p> <p>4 A. Yes. I understand the 5 subject matter. Yes.</p> <p>6 Q. And do you understand that 7 you've been sworn in under oath as if you 8 were in a court of law?</p> <p>9 A. Correct.</p> <p>10 Q. And what does that mean to 11 you?</p> <p>12 A. To testify with -- to the 13 best of my knowledge and honestly and 14 accurately.</p> <p>15 Q. And how -- if you -- how 16 were you invited to attend this 17 deposition?</p> <p>18 A. I was contacted by Teva's 19 attorneys, notified that I was being 20 invited to a deposition. They notified 21 me, I think it was by e-mail.</p> <p>22 Q. Would that have been Steve 23 or someone else?</p> <p>24 A. Someone from his firm.</p>	<p style="text-align: center;">Page 18</p> <p>1 Q. Someone from his firm. Do 2 you happen to remember who that was?</p> <p>3 A. Someone by the name of 4 Arcangelo.</p> <p>5 Q. Did you have any 6 conversations with Mr. Arcangelo 7 regarding the deposition?</p> <p>8 A. Yes, I did.</p> <p>9 Q. Do you remember how many 10 times you talked to him?</p> <p>11 A. By phone, two to three 12 times.</p> <p>13 Q. And do you remember how long 14 each of those conversations were?</p> <p>15 A. One or two were very, very 16 brief. The third was a little bit more 17 in detail.</p> <p>18 Q. Have you met with any other 19 attorneys or any other people in your 20 preparation for this deposition?</p> <p>21 A. Yes, I have.</p> <p>22 Q. Okay. How many times?</p> <p>23 A. One occasion.</p> <p>24 Q. And was that person or on</p>
<p style="text-align: center;">Page 19</p> <p>1 the phone?</p> <p>2 A. In person.</p> <p>3 Q. And how many people were 4 there?</p> <p>5 A. Four.</p> <p>6 Q. And were those people 7 attorneys?</p> <p>8 A. Yes, they were.</p> <p>9 Q. Was anyone not an attorney?</p> <p>10 A. No.</p> <p>11 Q. How long did that meeting 12 last?</p> <p>13 A. A few hours.</p> <p>14 Q. A few hours?</p> <p>15 A. Yeah. A better part of the 16 day. I would say maybe six hours. I 17 don't know. Yeah, it was about six 18 hours.</p> <p>19 Q. And do you remember who 20 those people were?</p> <p>21 A. Yes. And if you don't mind, 22 I -- having just met them, I didn't want 23 to mess any names up. So I brought with 24 me a card. So Arcangelo's last name for</p>	<p style="text-align: center;">Page 20</p> <p>1 the record is Cella. He is from Morgan 2 Lewis. Steven, who's here today. And 3 then our two attorneys that are sitting 4 on my left on the Allergan side were 5 present as well.</p> <p>6 Q. Okay. Do any of the 7 attorneys sitting next to you represent 8 you?</p> <p>9 A. Yes, they do. Both.</p> <p>10 Q. Both being Jennifer --</p> <p>11 A. Both firms.</p> <p>12 Q. Okay. So that would be all 13 three attorneys sitting next to you?</p> <p>14 A. That's correct.</p> <p>15 Q. When you prepared for the 16 deposition, when you had the six-hour 17 meeting, did you review any documents?</p> <p>18 A. Yes.</p> <p>19 Q. Do you remember what the 20 context of those documents were?</p> <p>21 A. There were -- there were 22 different documents. Some of them were 23 just e-mails discussing the subject matter.</p>

<p style="text-align: right;">Page 21</p> <p>1       Q. Okay. Do you remember how 2 many documents approximately? 3       A. Not too many. I would say 4 less -- less than 12, certainly. 5       Q. Less than 12? 6       A. Yeah. 7       Q. Did any of those documents 8 help you refresh your memory about your 9 time at Actavis, Allergan and Teva? 10      A. It did. But to be honest 11 with you, in looking at them, it's almost 12 like it was yesterday. They were very 13 familiar to me. 14      Q. Okay. Did you review any 15 other documents outside of documents that 16 you kept in the ordinary course of 17 business, such as news articles, journal 18 articles, court documents? 19      A. The only thing I reviewed is 20 a copy of a presentation I had done on 21 the subject matter just to refresh 22 myself, because it's been seven years 23 since I managed this process. And on 24 the -- if I get into the details, I</p>	<p style="text-align: right;">Page 22</p> <p>1       wanted to make sure that there wasn't 2 anything pertinent that I forgot. So I 3 did review a presentation that I had 4 prepared several years ago. It was like 5 a status report. 6       Q. Do you remember who that 7 presentation -- who you made that 8 presentation to? 9       A. It was a presentation that I 10 would have done leading the SOM project 11 to our steering committee. 12      Q. Okay. So it would have been 13 a presentation you did during the course 14 of your employment -- 15      A. Yes. 16      Q. -- with Actavis? 17      A. Yes. 18      Q. Okay. Have you reviewed a 19 copy of the complaint that's been filed 20 in this litigation? 21      A. No, I have not. Is that 22 what this is? 23      Q. Yeah. 24      A. No.</p>
<p style="text-align: right;">Page 23</p> <p>1       Q. Has anyone summarized the 2 allegations for you? 3       A. Yeah. And that was the 4 benefit of the meeting with the 5 attorneys. Telling me what I was here 6 for so I understood what this was all 7 about. 8       Q. And that was the single 9 six-hour meeting that you referred to 10 earlier with the four attorneys? 11      A. Yes. And then the one phone 12 discussion. 13      Q. With Arcangelo? 14      A. Yes. 15      Q. And that was the longer 16 phone conversation? 17      A. And there was someone else 18 on the phone. I apologize. I don't 19 remember. My focus was with Arcangelo, 20 because I was dealing with him on 21 logistics and my availability. So I 22 don't recall who else was on the phone 23 call. I know who was in the in-person 24 meeting. The phone call, I apologize I</p>	<p style="text-align: right;">Page 24</p> <p>1       don't remember outside of Arcangelo. 2       Q. Okay. Do you remember about 3 how long that one -- that phone call was? 4       A. I would say less than an 5 hour. About an hour. 6       Q. Okay. About an hour? 7       A. Yeah. 8       Q. Did you bring any documents 9 with you today -- 10      A. No, I didn't. 11      Q. -- to the deposition? 12      A. No. I brought my little 13 cheat sheet, business cards so I have -- 14      Q. To help you remember? 15      A. -- the last names. 16      Q. Understood. When you were 17 preparing for the deposition, did you 18 review any of your own personal paper or 19 electronic files? 20      A. Just what I mentioned to you 21 earlier. 22      Q. So you reviewed the 23 presentation through your own personal 24 files?</p>

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<p>1           A. Yes.</p> <p>2           Q. Okay. And you have not</p> <p>3           brought that with you today; is that</p> <p>4           correct?</p> <p>5           A. No.</p> <p>6           Q. Did you provide that</p> <p>7           document to your attorneys?</p> <p>8           A. I did not, but that was one</p> <p>9           of the documents they had, and that was</p> <p>10          what we looked -- one of the documents we</p> <p>11          looked at. It wasn't anything new to</p> <p>12          them.</p> <p>13          Q. So you looked at a copy of a</p> <p>14          presentation that you had in your own</p> <p>15          files that you then also saw from the</p> <p>16          attorneys during your meeting with them;</p> <p>17          is that correct?</p> <p>18          A. That's correct.</p> <p>19          Q. Okay. Have you spoken with</p> <p>20          any current employees at Actavis,</p> <p>21          Allergan, Teva -- forgive me, I'm going</p> <p>22          to -- I will start using Actavis to refer</p> <p>23          to the entities that you worked for,</p> <p>24          Actavis, Allergan and Teva.</p>	<p>1           A. I know. It's confusing.</p> <p>2           Q. But for right now I'm going</p> <p>3           to say, have you spoken with any current</p> <p>4           or former employees at Actavis?</p> <p>5           A. I spoke with one employee.</p> <p>6           It happened to just be through a job</p> <p>7           interview, and it just came up in</p> <p>8           dialogue when we were talking about</p> <p>9           scheduling and my availability. I said,</p> <p>10          "Oh, I'm invited to my first deposition."</p> <p>11          Not even really knowing much about what</p> <p>12          this was about.</p> <p>13          And that was a former</p> <p>14          employee of the company, but it's one I</p> <p>15          really never even worked with. I mean,</p> <p>16          the type of employee you saw in the</p> <p>17          hallway, you knew of him, he probably</p> <p>18          knew of me. But we really never worked</p> <p>19          together. So it just came up in the</p> <p>20          context of a job interview when we were</p> <p>21          talking about scheduling, but we didn't</p> <p>22          talk about it at any -- in any detail.</p> <p>23          Q. Okay. So do you remember</p> <p>24          that person's name?</p>
Page 27	Page 28
<p>1           A. Yes.</p> <p>2           Q. And who was that?</p> <p>3           A. Dan Motto, M-O-T-T-O.</p> <p>4           Q. Dan Motto?</p> <p>5           A. Yes.</p> <p>6           Q. So am I understanding</p> <p>7           correctly that you contacted Dan Motto to</p> <p>8           discuss a job interview that you are</p> <p>9           going to attend?</p> <p>10          A. No. I found a job</p> <p>11          opportunity, because I'm currently</p> <p>12          searching. I interviewed. And during</p> <p>13          the course of that five-hour interview</p> <p>14          with seven different people from the</p> <p>15          company, he was one of the meetings that</p> <p>16          I met with. And because he happened to</p> <p>17          be a former employee.</p> <p>18          Q. I see.</p> <p>19          A. And we were talking about my</p> <p>20          scheduling and availability, I just</p> <p>21          mentioned it. But he would be the only</p> <p>22          former person linked to the company that</p> <p>23          I would have even mentioned this to.</p> <p>24          Q. Okay. So you are not</p>	<p>1           currently in contact then with any -- any</p> <p>2           current or former employees, other than</p> <p>3           this one instance during a job interview;</p> <p>4           is that correct?</p> <p>5           A. That's -- other than one</p> <p>6           employee that referred me to the</p> <p>7           position. If that's relevant.</p> <p>8           Q. Who is the employee that</p> <p>9           referred you to the position?</p> <p>10          A. Kathleen Carlson. She was</p> <p>11          in contracts. She had done some work for</p> <p>12          the company just on a consulting basis.</p> <p>13          In the interim they needed some process</p> <p>14          help. And I believe they were seeking</p> <p>15          her for this role and she was not</p> <p>16          interested and she said I know a great</p> <p>17          person that was outplaced as a result of</p> <p>18          the Teva acquisition, as a synergy. So</p> <p>19          she referred me. But that was the extent</p> <p>20          of it. You know, she passed me on as a</p> <p>21          candidate.</p> <p>22          Q. Understood. Are you</p> <p>23          currently married?</p> <p>24          A. Yes.</p>

<p style="text-align: center;">Page 29</p> <p>1 Q. Have you spoken about this 2 with your spouse, the deposition? 3 A. Yes. Not in any -- any 4 length. We never really make a habit of 5 talking about work, but he knows 6 obviously where I am today and -- and why 7 I had to be, you know, out of the house. 8 So, yeah.</p> <p>9 Q. Have you spoken to anybody 10 else about the deposition?</p> <p>11 A. No one else other than my 12 kids who were tracking me and -- and 13 wondering like, where I was going on my 14 phone. I very briefly had to say I am 15 going to do some work for a former 16 company that I was with. But they 17 wouldn't really understand what a 18 deposition is, so...</p> <p>19 That would be the extent of 20 it.</p> <p>21 Q. I'm laughing because I do 22 that to my mother all the time.</p> <p>23 A. Yeah. Yeah, they -- they 24 stalk me a little bit. So they know</p>	<p style="text-align: center;">Page 30</p> <p>1 where I am.</p> <p>2 Q. Are you familiar with the 3 defendants in this litigation?</p> <p>4 A. To -- to its entirety, no, I 5 am not. I know that Actavis and Allergan 6 are, because that's why I'm here today. 7 Beyond that, I really do not know.</p> <p>8 Q. So let me ask you then. 9 Have you spoken with any current and 10 former -- current or former employees at 11 Purdue?</p> <p>12 A. No. I don't even know if I 13 know anyone at Purdue.</p> <p>14 Q. Have you spoken with any 15 current or former employees at Janssen?</p> <p>16 A. That would be the same 17 answer. No, I don't believe I even know 18 anyone at Janssen.</p> <p>19 Q. Have you spoken to any 20 current -- I'm sorry, I have to do this.</p> <p>21 A. That's okay.</p> <p>22 Q. Have you spoken with any 23 current or former employees at Endo?</p> <p>24 A. No.</p>
<p style="text-align: center;">Page 31</p> <p>1 Q. Have you spoken with any 2 current or former employees at Insys?</p> <p>3 A. No.</p> <p>4 Q. Have you spoken with any 5 current or former employees at 6 Mallinckrodt?</p> <p>7 A. No.</p> <p>8 Q. Have you spoken with any 9 former or current employees of 10 AmerisourceBergen?</p> <p>11 A. No.</p> <p>12 Q. Have you spoken with any 13 current or former employees of Cardinal 14 Health?</p> <p>15 A. No.</p> <p>16 Q. Have you spoken with any 17 current or former employees of Walgreens?</p> <p>18 A. No.</p> <p>19 Q. Have you spoken with any 20 current or former employees of Walmart?</p> <p>21 A. No.</p> <p>22 Q. Have you spoken with any 23 current or former employees of Rite Aid?</p> <p>24 A. No.</p>	<p style="text-align: center;">Page 32</p> <p>1 Q. Have you spoken with any 2 current or former employees of McKesson?</p> <p>3 A. No.</p> <p>4 Q. Do you have a relationship 5 with any current or former employees at 6 any of these entities I just listed?</p> <p>7 A. The only relationship I can 8 think of would be my sister-in-law who 9 used to work for Walgreens. She managed 10 a local retail location. She is not 11 currently with them. And to be honest I 12 can't tell you the last time I even spoke 13 with her. It's been a long time. Like 14 more than a year.</p> <p>15 Q. So is it safe to assume that 16 you haven't spoken to her about the case 17 or the deposition?</p> <p>18 A. That is correct.</p> <p>19 Q. Okay. Are you -- well, 20 first of all, what company were you 21 interviewing with, if you don't mind 22 sharing?</p> <p>23 A. Hikma Pharmaceuticals.</p> <p>24 Q. Hikma?</p>

<p style="text-align: center;">Page 33</p> <p>1           A. Hikma, H-I-K-M-A.      2           Q. Thank you. And what      3           position were you interviewing for at      4           Hikma?      5           A. It was a confidential      6           position because there is still a person      7           in that role. So, I don't know, is this      8           information going to be shared? I don't      9           want to --      10          MS. LEVY: Do you really      11           need that?      12          MS. ANTULLIS: No --      13          THE WITNESS: It was a very      14           similar role to what I used to do,      15           with some new and additional      16           responsibilities which represented      17           career growth to me. I was able      18           to manage some of the contractual      19           aspects, some different things I      20           haven't done yet, on top of what      21           I've been doing my entire career.      22           So it -- it was an opportunity      23           that represented career growth.      24          BY MS. ANTULLIS:</p>	<p style="text-align: center;">Page 34</p> <p>1           Q. So what I am trying to get      2           at, and you're hinting at it here, is      3           what are your -- what would be your      4           responsibilities in that position, what      5           are you looking to do?      6           A. In that role, I would have      7           similar responsibilities to what I built      8           my career around, which is managing the      9           order to cas -- order to cash, excuse me,      10           and the customer relations team. In      11           addition to that, there was going to be      12           some additional roles in terms of      13           cleaning up some of their -- how do I      14           describe it? This was new to me, this      15           was the new aspect of the role, so I just      16           want to make sure I state it clearly.      17           Where they had, you know,      18           contractual obligations to their customer      19           in terms of, you know, reviewing things      20           like returns is a good example. I      21           typically didn't manage returns. So that      22           would be a new element. And there was a      23           couple other things in this role that      24           intrigued me because, A, I am very</p>
<p style="text-align: center;">Page 35</p> <p>1           actively interested in gaining employment      2           again. I don't like sitting home being a      3           stay-at-home mom.      4           But, B, the career      5           opportunity was everything I'm good at,      6           and -- and some new things. So it was      7           career growth. It's the best way to      8           describe it.      9           Q. I understand. Thank you.      10          Are you being -- are you      11           being reimbursed by anyone for your      12           expenses in connection with this      13           deposition?      14          A. No. While that would be      15           nice, that's not the case.      16          Q. Are you being paid by anyone      17           for your time in connection with your      18           attendance at or preparation for this      19           deposition?      20          A. No.      21          Q. So I believe I am going to      22           show you Exhibit Number 2.      23           (Document marked for      24           identification as Exhibit</p>	<p style="text-align: center;">Page 36</p> <p>1           Baran-2.)      2          BY MS. ANTULLIS:      3           Q. So I will represent to you      4           that Exhibit 2 is a printout of your      5           LinkedIn profile that I was able to find      6           online. I just want you to look through      7           it --      8          A. Okay.      9           Q. -- and tell me whether or      10           not you have any reason to believe that      11           this is not an accurate reflection of      12           your current LinkedIn profile.      13          A. Having scanned it, it looks      14           to be pretty accurate.      15          Q. So you believe that this is      16           an -- an accurate reflection of your      17           profile?      18          A. Yeah. That -- the format      19           looks a little different, but, yes.      20          Q. Okay. And does the      21           information contained therein reflect      22           your -- your professional career      23           development through July 2018?      24          A. Yes, it would.</p>

<p style="text-align: center;">Page 37</p> <p>1       Q. Okay. So I would like to go 2 through this with you. Starting at the 3 back, your education, it says that you 4 went to, forgive me if I -- if I 5 pronounce this incorrectly, Ramapo 6 University; is that correct?</p> <p>7       A. Ramapo, correct.</p> <p>8       Q. Ramapo University. What did 9 you study at Ramapo University?</p> <p>10      A. Business administration.</p> <p>11      Q. What does business 12 administration entail?</p> <p>13      A. Business management.</p> <p>14      Q. Okay.</p> <p>15      A. I mean beyond that, it's -- 16 it's -- I mean how do you describe 17 business management, right? That's 18 funny, I've never been asked that 19 question. It's just general business on 20 how to be successful in the corporate 21 world and -- and how to be well rounded 22 and -- and all the basic criteria that 23 you take, you know, in college.</p> <p>24      Q. When did you -- and did you</p>	<p style="text-align: center;">Page 38</p> <p>1       graduate from Ramapo University?</p> <p>2       A. Yes, I did.</p> <p>3       Q. And when was that?</p> <p>4       A. January 1990.</p> <p>5       Q. January 1990?</p> <p>6       A. Yes.</p> <p>7       Q. And did you -- what -- you 8 got a bachelor of science in business 9 administration?</p> <p>10      A. That's correct.</p> <p>11      Q. Was there a major, an area 12 of concentration involved in -- in your 13 degree?</p> <p>14      A. Management.</p> <p>15      Q. Management?</p> <p>16      A. Yeah.</p> <p>17      Q. Were there other areas of 18 concentration available at the 19 university?</p> <p>20      A. Oh, I'm sure there were 21 available, yeah.</p> <p>22      Q. So then, you went to 23 Cranfield University, Cranfield School of Management; is that correct?</p>
<p style="text-align: center;">Page 39</p> <p>1       A. Yes. That's a little 2 deceiving. It's there to look -- make 3 myself to look enticing to future job 4 employers if we want to be honest. 5 It's -- it's not a -- I didn't go there 6 as a university as you might imagine. 7 Actavis, actually, was very good at 8 providing career development 9 opportunities in terms of developing 10 their employees, and I was able to travel 11 to England and spend a week and study in 12 a management program at Cranfield 13 University. So it's not that I was there 14 a semester or a year or longer. It was a 15 very brief period of time.</p> <p>16      Q. Do you remember when you 17 went?</p> <p>18      A. No, I do not.</p> <p>19      Q. Do you remember the 20 approximate time frame? Was it -- let me 21 restate the question. Was it early in 22 your time at Actavis?</p> <p>23      A. Yes. It was within the 24 first four years. I don't remember the</p>	<p style="text-align: center;">Page 40</p> <p>1       exact time. But it was definitely within 2 the first couple of years.</p> <p>3       Q. Okay. And did Actavis pay 4 for it?</p> <p>5       A. Yes, they did.</p> <p>6       Q. And did that -- they paid 7 for your travel?</p> <p>8       A. Yes.</p> <p>9       Q. What did you study during 10 that week?</p> <p>11      A. You know, to be honest, 12 it's -- it's a little bit of a blur. I 13 don't recall specifics but it was 14 teaching you different things about group 15 dynamics and working well as a team. 16 Beyond that, I don't -- I don't recall. 17 I know it was a good opportunity. But I 18 don't remember a recall a lot of the 19 details. I'm sorry.</p> <p>20      Q. No need to apologize. Do 21 you remember if you got a certificate of 22 some kind?</p> <p>23      A. Yes, I got a certificate. 24 I'm not really sure what the certificate</p>

<p style="text-align: center;">Page 41</p> <p>1 said, you know, other than probably you 2 completed this week session. But beyond 3 that, I don't recall. It was a paper 4 certificate.</p> <p>5 Q. My apologies. Did you 6 receive other kinds of training while you 7 were at Actavis?</p> <p>8 A. Yes.</p> <p>9 Q. And were any of them 10 external trainings like the one that you 11 attended at Cranfield University, 12 external meaning external to --</p> <p>13 A. Yeah, the only thing that 14 I'm trying to recall for example American 15 Management Association had all kinds of 16 seminars. I'm trying to -- I mean I know 17 I sent my team to some. I'm trying to 18 remember if I did any external. I went 19 to conferences.</p> <p>20 Whether I went to any 21 external training, to be honest with you, 22 I don't -- I don't recall.</p> <p>23 Q. Do you remember what kinds 24 of conferences you attended while you</p>	<p style="text-align: center;">Page 42</p> <p>1 were at Actavis?</p> <p>2 A. There was a conference that 3 I recall. I'm not sure when. It was run 4 by an organization, ICSA. It was an 5 International Customer Serve Association.</p> <p>6 I also went to a DEA 7 compliance meeting somewhere in the 8 Maryland/Washington area. I don't recall 9 where that was. Those are the two that I 10 remember.</p> <p>11 Q. And the DEA compliance 12 meeting, was the DEA compliance meeting a 13 conference?</p> <p>14 A. Yes. It was a conference 15 run by what I would deem a vendor called 16 Cegedim Compliance Solutions. And they 17 were really bringing the industry 18 together educating on the topic and you 19 know, regulations and all that.</p> <p>20 Q. Do you remember 21 approximately when that conference took 22 place?</p> <p>23 A. No, I do not. I could 24 estimate within a few years. But I don't</p>
<p style="text-align: center;">Page 43</p> <p>1 remember exactly when it was.</p> <p>2 Q. Could you estimate within a 3 few years?</p> <p>4 A. Yeah. So let's backtrack a 5 minute. I started with Actavis in 6 January of -- what year are we in -- 7 2008. I think we were acquired by Watson 8 and became a combined company maybe 9 somewhere between four and five years 10 after that. So maybe around 2012, the 11 fall.</p> <p>12 So it would have been 13 roughly, I'm going to guesstimate 2010 to 14 '12. But that's a guess, I'm sorry.</p> <p>15 Q. Thank you. So next we're 16 going to go to your first job that you've 17 listed on the LinkedIn profile. 18 Datascope Corp., international 19 coordinator; is that correct?</p> <p>20 A. That's correct.</p> <p>21 Q. It says that you started in 22 1992 and worked there for two years in 23 Montvale, New Jersey. Is that correct?</p> <p>24 A. Give me one moment.</p>	<p style="text-align: center;">Page 44</p> <p>1 Q. Sure.</p> <p>2 A. Because I didn't think it 3 was '92. I thought it was '90. Let's 4 see. It's not on the last page. That's 5 why. So it wasn't '92. I had a feeling 6 that was wrong.</p> <p>7 Q. Okay.</p> <p>8 A. It was 1991. If I remember 9 correctly, October 7th was my start day.</p> <p>10 Q. Wow.</p> <p>11 A. I don't know why I remember 12 that. But I -- but I do.</p> <p>13 Q. It was October 7th?</p> <p>14 A. 1991.</p> <p>15 Q. Right. That's what -- it 16 says 1991, 1992.</p> <p>17 A. Yes.</p> <p>18 Q. So as a domestic account 19 representative at Datascope, what were 20 your job duties?</p> <p>21 A. Just to step back a minute 22 to clarify. When you mentioned that I 23 worked at Datascope from 1991 to 92, it 24 was much longer than that. All the</p>

<p style="text-align: center;">Page 45</p> <p>1 positions above that are with the same 2 company. So that time period was just 3 one role within the company. I spent 4 13 years there.</p> <p>5 Q. Right. I am trying to 6 understand over time --</p> <p>7 A. Perfect.</p> <p>8 Q. -- what your -- what your 9 responsibilities were.</p> <p>10 A. Okay.</p> <p>11 Q. But were your 12 responsibilities consistent across the 13 13 years?</p> <p>14 A. No. I had consistent 15 increasing responsibilities over that 16 period. But now I'll go back and 17 apologize. To answer your original 18 question, as a domestic account 19 representative, this was -- my first real 20 job out of college I was doing data 21 processing, order entry, customer 22 service, making sure the customers' needs 23 were met, making sure orders were 24 shipping properly and accurately.</p>	<p style="text-align: center;">Page 46</p> <p>1 Q. And when you say customer 2 needs, how would you define those needs?</p> <p>3 A. Making sure if they placed 4 an order, that the orders were processed 5 accurately, based on the terms and 6 conditions of the purchase order. I 7 guess that's the best way to describe it.</p> <p>8 Q. What kind of company is 9 Datascope?</p> <p>10 A. So Datascope is no longer in 11 existence today. But Datascope was a 12 medical device manufacturer.</p> <p>13 Q. Okay. And so did your job 14 responsibilities change significantly 15 when you were promoted to international 16 coordinator?</p> <p>17 A. I wouldn't use the word 18 significantly. It just shifted from a 19 domestic to an international, roles doing 20 very similar responsibilities. And the 21 only difference, I would say, would be 22 international was a little bit more 23 complex, so...</p> <p>24 Q. So it was more interesting?</p>
<p style="text-align: center;">Page 47</p> <p>1 A. Yes. Exactly.</p> <p>2 Q. All right. So then, it says 3 in 1994 you transitioned to manager of 4 global customer service and sales 5 support, and that you were in that role 6 for eight years; is that correct?</p> <p>7 A. That's correct.</p> <p>8 Q. Okay. The first sentence 9 here, it says that you built the new 10 customer service department from the 11 ground up and spearheaded all phases of 12 org management and customer service.</p> <p>13 A. That's correct.</p> <p>14 Q. Can you tell me what 15 building the customer service department 16 from the ground up entailed?</p> <p>17 A. Okay. So the company at the 18 time really had two business units. They 19 had a cardiac assist division and they 20 had a patient monitoring division which 21 focused on different products.</p> <p>22 At the time, prior to my 23 taking this role, the customer service 24 function was consolidated. A decision</p>	<p style="text-align: center;">Page 48</p> <p>1 was made that they wanted more focused 2 groups that would support the two 3 businesses independently. And also 4 instead of in the corporate headquarter 5 locations, to be in their physical 6 buildings in their units. So they split 7 the team.</p> <p>8 The majority of the group, 9 based on location, all wanted to go to 10 the patient monitoring division which was 11 located in Paramus, New Jersey. Very few 12 wanted to go to the cardiac division, 13 simply based on location, which was in 14 Fairfield, New Jersey, virtually in my 15 backdoor.</p> <p>16 It was a great opportunity 17 for me. To describe it as you requested, 18 I was given a blank sheet of paper and 19 said, "Here's your department, go build 20 it." I was responsible for making 21 decisions on staffing, hiring, training, 22 making sure the processes were supporting 23 the business and the customers and so forth.</p>

<p style="text-align: center;">Page 49</p> <p>1 Q. Did you have a software 2 program or database that you used at 3 Datascope to help you manage and keep 4 track of customer orders?</p> <p>5 A. Yes, we did. Yes. That's 6 an easy answer. I was just preparing for 7 the next question you may have about 8 which one it was.</p> <p>9 Q. Well, did you -- did you 10 implement the use of the software 11 program?</p> <p>12 A. It depended on when you 13 would ask that question. Initially in 14 the early days, no, I did not. But later 15 on in my career there, yes, I took an 16 active role in implementing an ERP 17 system.</p> <p>18 Q. That's part of -- you called 19 it an ERP system. What does ERP stand 20 for?</p> <p>21 A. Enterprise resource 22 planning. It's where the order-to-cash 23 activities take place.</p> <p>24 Q. Okay. Does the ERP system</p>	<p style="text-align: center;">Page 50</p> <p>1 allow you to track sales? 2 A. Sure, yes. 3 Q. Does the ERP system allow 4 you to track customer returns? 5 A. Yes. 6 Q. Okay. 7 A. But -- 8 Q. Sorry. 9 A. It does, but I don't recall 10 if our returns were inhouse or 11 outsourced. I'm sorry. That was 15, 12 18 years ago. I'm going to have to say 13 on that question, probably, yeah. 14 Q. As part of your role as a 15 manager of global customer service and 16 sales support, did you have regular 17 meetings with company leadership? 18 A. Yes. 19 Q. And what sorts of things did 20 you discuss at those meetings? 21 A. You know, business needs, 22 staffing. You know, whether it be 23 meeting with human resources on employee 24 performance on how, you know -- coaching</p>
<p style="text-align: center;">Page 51</p> <p>1 and developing, building the team and 2 making sure they had the tools they need, 3 working with the technical groups, IT, on 4 making sure the teams had the right tools 5 they need to be successful. It depended 6 on which area of the business you'd be 7 talking with, but sure, when you're in a 8 customer service role, it's normal course 9 of business to communicate with 10 management, so I would say the answer to 11 that would be yes.</p> <p>12 Q. Okay. Thank you. So you 13 stayed at Datascope through 2003; is that 14 correct? 2004, my apologies.</p> <p>15 A. Let me just verify that for 16 a moment. That's correct.</p> <p>17 Q. And so it says that your 18 final role there, your -- your final 19 position was project manager ERP system 20 implementation?</p> <p>21 A. Yes.</p> <p>22 Q. Is that the implementation 23 that we were talking about a few minutes 24 ago?</p>	<p style="text-align: center;">Page 52</p> <p>1 A. That's correct. 2 Q. Okay. So the -- in 2002, is 3 that when you brought a software 4 system -- you -- you implemented a 5 software system into the company's 6 customer service department? 7 A. That's correct. 8 Q. Okay. As part of -- as part 9 of your role either as a project manager 10 or as the manager of global customer 11 service, did you ever discuss things 12 like -- did you ever discuss market share 13 with company leadership? 14 A. No. That would not have 15 been in my responsibilities, no. 16 Q. Were there sales targets set 17 for -- were there sales -- sales targets 18 set for sales personnel at the company? 19 A. Oh, I'm sure, absolutely. 20 Q. Okay. Were you aware of 21 what those sales targets were? 22 A. No. It did not impact my 23 role whatsoever. 24 Q. Did you track revenue?</p>

<p style="text-align: center;">Page 53</p> <p>1        A. I did not, no.</p> <p>2        Q. Okay. Let's go onto</p> <p>3        Aircast. It says that you were a senior</p> <p>4        manager for global customer service.</p> <p>5        A. Yes.</p> <p>6        Q. 2005 to 2007. What were</p> <p>7        your job duties at Aircast?</p> <p>8        A. So just to clarify on</p> <p>9        record. 2005 to 2007 makes it look as</p> <p>10      though I was there for two years. I was</p> <p>11      not, but when you have a resum , you play</p> <p>12      with the months a little bit. I was</p> <p>13      there early in one year and -- and left</p> <p>14      early in the other year. So I was not</p> <p>15      there two years.</p> <p>16      Now, to answer your</p> <p>17      question, which, I'm sorry, can you</p> <p>18      repeat?</p> <p>19      Q. I asked -- I asked, while</p> <p>20      you were at Aircast what were your</p> <p>21      general job duties.</p> <p>22      A. Okay. Job duties. Aircast</p> <p>23      was a medical device company as well.</p> <p>24      And my job duties were very similar to my</p>	<p style="text-align: center;">Page 54</p> <p>1        prior company although it was a much</p> <p>2        smaller business, different product</p> <p>3        lines. But essentially the same thing,</p> <p>4        managing the order to cash process.</p> <p>5        Q. Would you mind explaining to</p> <p>6        me what the order to cash process is?</p> <p>7        A. Anything it takes to do</p> <p>8        business in terms of making sure your</p> <p>9        customer master data is set up properly,</p> <p>10      you know, you're going to ship -- you're</p> <p>11      going to send invoices to the correct</p> <p>12      address. You're going to ship to the</p> <p>13      correct address. Making sure that when</p> <p>14      you get a purchase order in, that you're</p> <p>15      following the terms and conditions as</p> <p>16      stated in that purchase order. In other</p> <p>17      words -- you know, a customer can't come</p> <p>18      in and ask for all kinds of crazy things</p> <p>19      that you can't fulfill. And -- and then</p> <p>20      accept that purchase order, right.</p> <p>21      So processing it. Making</p> <p>22      sure that the pricing the company is</p> <p>23      stating is matching what the customer is</p> <p>24      expected. Dealing with any deviations or</p>
<p style="text-align: center;">Page 55</p> <p>1        exceptions. Working with the</p> <p>2        distribution on the shipping process.</p> <p>3        Dealing with anything that may result</p> <p>4        from that. Maybe something was shipped</p> <p>5        to an incorrect address. Anything that</p> <p>6        would be included in that entire stretch,</p> <p>7        that entire process. Up to the point --</p> <p>8        point when the invoice is sent out.</p> <p>9        Not including any type of</p> <p>10      receivables or collection activity. That</p> <p>11      was never in the scope of my</p> <p>12      responsibility.</p> <p>13      Q. Okay. So is it fair to say</p> <p>14      that prior to your employment at Actavis,</p> <p>15      you worked in customer service?</p> <p>16      A. Prior to my employment with</p> <p>17      Actavis or Aircast?</p> <p>18      Q. Actavis.</p> <p>19      A. So you're back to Actavis.</p> <p>20      So prior to Actavis?</p> <p>21      Q. Yes.</p> <p>22      A. I was -- I wouldn't say I</p> <p>23      was in customer service.</p> <p>24      Q. Okay.</p>	<p style="text-align: center;">Page 56</p> <p>1        A. I was in a different line of</p> <p>2        customer service. But that's not</p> <p>3        reflected even on -- on my profile. I</p> <p>4        was in retail. You said prior to -- oh,</p> <p>5        I'm -- I'm sorry, I apologize. I</p> <p>6        misunderstood the question.</p> <p>7        Q. My question was probably</p> <p>8        unclear.</p> <p>9        A. I'm with the wrong company.</p> <p>10      So you said prior to</p> <p>11      Actavis --</p> <p>12      Q. Right.</p> <p>13      A. -- I thought you were saying</p> <p>14      prior to Datascope. My apologies.</p> <p>15      Q. So I apologize. Let me ask</p> <p>16      it differently.</p> <p>17      From 1991, your first job at</p> <p>18      Datascope, through 2007 --</p> <p>19      A. Yeah.</p> <p>20      Q. -- were you working</p> <p>21      primarily in a customer service role?</p> <p>22      A. Yes. Sorry, I didn't</p> <p>23      understand your question originally.</p> <p>24      Q. And from -- from 1991</p>

<p style="text-align: right;">Page 57</p> <p>1 through 2007, were you working in 2 distribution management?</p> <p>3 A. Prior to -- what was the 4 year you were saying?</p> <p>5 Q. 1991, just prior to your 6 employment with Actavis, so from your 7 first job in 1991 --</p> <p>8 A. Okay.</p> <p>9 Q. -- your first job listed on 10 your LinkedIn profile, from 1991, through 11 2007, were you working in the supply 12 chain --</p> <p>13 A. No, I wouldn't -- I would 14 never consider myself having worked in 15 supply chain and distribution.</p> <p>16 Q. Okay.</p> <p>17 A. Partnered with them, but, 18 no, that was not my responsibility.</p> <p>19 Q. Okay. Would you -- would 20 you please describe -- you -- you said 21 that you partnered with distribution 22 management. Can you explain what that 23 means, what the word "partnered" means in 24 that context?</p>	<p style="text-align: right;">Page 58</p> <p>1 A. Sure. When you work in a 2 customer service environment, you have to 3 partner with many cross-functional areas, 4 including those two, but not limited to. 5 So if you -- distribution as 6 an example. When orders are passed to 7 distribution, if they have any questions 8 on fulfillment, let's just say the system 9 said there was inventory and it gets to 10 the distribution group and there isn't, 11 or -- anything that it takes to make them 12 successful on fulfilling the obligations 13 of what we're asking of them, you know, 14 working with them on different carrier 15 selection perhaps, some customers had 16 different carrier requirements. So 17 anything it would take for them to 18 fulfill their obligation, we were -- we 19 were there to support and we partnered 20 together, because at the end of the day 21 our goal was the same, so... 22 The other -- the other group 23 was supply chain, to answer to that. 24 Supply chain is, you know, traditionally</p>
<p style="text-align: right;">Page 59</p> <p>1 responsible for, you know, building 2 inventory, whether it be building to 3 forecast or whatever mechanism the 4 company is using.</p> <p>5 And, you know, sometimes if 6 an order came in, we may have to check 7 inventory to see if it's something that 8 we could fulfill or we may be on back 9 order. And we would partner with groups 10 like that so that we had the proper 11 information to give our customers the 12 answers they needed, you know, in terms 13 of supply. And that's pretty common in 14 whether it be medical devices, supply 15 chain, or many other industries, I'm 16 sure.</p> <p>17 Q. Thank you.</p> <p>18 A. Yeah.</p> <p>19 Q. So we're now going to talk 20 about your -- your time at 21 Actavis/Allergan/Teva.</p> <p>22 A. Mm-hmm.</p> <p>23 Q. We can go through the 24 LinkedIn profile, but I would like to</p>	<p style="text-align: right;">Page 60</p> <p>1 start with, just by asking you -- let me 2 see how I want to phrase this.</p> <p>3 A. I'll take a drink.</p> <p>4 Q. Take a drink.</p> <p>5 What would you say your 6 career at Actavis -- what would you say 7 was the focus of your career at Actavis?</p> <p>8 A. Let's see. The best way 9 to -- to describe that. So in a company 10 you have many different cross-functional 11 areas. And everybody has got their jobs 12 and their focus, right.</p> <p>13 But to be a good partner, in 14 this case, manufacturer, you always have 15 to keep the customer's needs in mind. 16 And the customer means many different 17 things.</p> <p>18 The customer could be 19 someone down the hall in another 20 department, was my customer.</p> <p>21 The customer could be our 22 wholesalers, our distributors, our retail 23 chains. Or the customer, at the end of 24 the day, is the patient.</p>

<p style="text-align: center;">Page 61</p> <p>1        If I were to describe my 2 career in -- in a nutshell, I would say 3 that I personally took ownership of 4 making sure that the customer's voice was 5 heard and the customer's needs were met. 6 And that we always did the right thing, 7 and we operated to the best of our 8 ability. I don't know. It's the only 9 way I can describe them.</p> <p>10      I'm very passionate about 11 what I do. And, you know, I put a lot of 12 myself into my role.</p> <p>13      Q. He's got horrible 14 handwriting.</p> <p>15      So you started -- is it 16 correct to say that you started at 17 Actavis in 2008 as a director of customer 18 service?</p> <p>19      A. No, that would not be 20 correct. I started out at Actavis, I 21 believe my first role was manager. And 22 then I had several different progressions 23 throughout my career. I think after 24 manager I went to team leader, senior</p>	<p style="text-align: center;">Page 62</p> <p>1        manager, director, and executive 2 director. I don't think there was 3 another step before director. I think 4 there was five or so different titles 5 over the course of what amounted to nine 6 years.</p> <p>7        Q. So I notice in your -- in 8 your description under Actavis, director 9 of customer service, it says that you 10 were an associate director at some point. 11 Does that help refresh your memory?</p> <p>12      A. Like I said, before director 13 I wasn't sure if there was another step, 14 but that's very likely. Because that was 15 quite typical of the progression.</p> <p>16      Q. So when you started at 17 Actavis, what were your initial job 18 duties?</p> <p>19      A. So when I started at 20 Actavis, you know, we were a much smaller 21 company at the time. I had a fairly 22 small team, but big enough to manage our 23 book of business. And I was responsible 24 for, you know, very -- very much what I</p>
<p style="text-align: center;">Page 63</p> <p>1        described earlier. Managing the order 2 process, managing customer purchase 3 orders, EDI transactions, shipments, 4 anything, anything of that nature. And I 5 had a team that supported me.</p> <p>6        Q. Did you have any involvement 7 with the suspicious order monitoring 8 program at that time?</p> <p>9        Hold on. Let me -- let me 10 back up.</p> <p>11      A. Sure.</p> <p>12      Q. Was there a suspicious order 13 monitoring program at Actavis when you 14 started in 2008?</p> <p>15      A. Yes.</p> <p>16      Q. Did you have any involvement 17 with the suspicious order monitoring 18 program at Actavis in 2008?</p> <p>19      A. Yes.</p> <p>20      Q. What was your involvement 21 with the suspicious order monitoring 22 program in 2008?</p> <p>23      A. So specifically at that 24 time, my involvement -- and I want to</p>	<p style="text-align: center;">Page 64</p> <p>1        clarify, because it's different than what 2 it was at a later point, basically 3 involved executing the operational piece 4 on the process that had been built and 5 the procedures that were outlined before 6 I came in. I don't -- I can't take 7 responsibility or ownership, or credit I 8 think is the better word for that. I 9 was -- I executed. That was my job.</p> <p>10      Q. And would you mind -- please 11 explain the process through which you 12 would execute the suspicious order 13 monitoring program?</p> <p>14      A. Okay. So we -- we had a 15 report that would be generated that would 16 trigger to us anything of interest. It 17 was never deemed that it was suspicious. 18 It was just an order, you know, 19 definitely worth looking at just to 20 review and, you know, to do our due 21 diligence to make sure that we could make 22 sense of it before it was authorized for 23 shipment.</p> <p>24      So it was our job to do due</p>

<p style="text-align: center;">Page 65</p> <p>1       diligence, and we would have to work with 2       different groups to do that. So perhaps 3       we had to, you know, work with contracts 4       to say, hey, how come a customer is 5       ordering product X, and they never have 6       before, so it's coming up on the report, 7       which was part of the design. It was a 8       new -- new controlled drug, they never 9       ordered before. That was an automatic 10      flag.</p> <p>11       And it would be our job to 12       verify that that was legitimate, it was 13       something that was contracted, expected, 14       and then we would approve -- you know, 15       the order would be released.</p> <p>16       Q. By "our," do you mean the 17       customer service department?</p> <p>18       MS. LEVY: Objection to 19       form. You can answer.</p> <p>20       BY MS. ANTULLIS:</p> <p>21       Q. When you say -- I'll 22       rephrase it. When you say it was our job 23       to -- I'll read it back. Did you say due 24       diligence?</p>	<p style="text-align: center;">Page 66</p> <p>1       When you said, "It was our 2       job to verify that that was legitimate," 3       who is "our"?</p> <p>4       A. Okay. "Our," my team, 5       customer service. We would do the leg 6       work, and we didn't necessarily have all 7       the answers. But it was our job to make 8       sure that we got them. Does that make 9       sense?</p> <p>10       Q. Thank you. You stated that 11       there was a report that was generated.</p> <p>12       A. Yes.</p> <p>13       Q. Did you have -- what was the 14       name of that report?</p> <p>15       A. It was generated from QAD 16       which was our system at the time. It had 17       some long fancy number like 75.3.7.9, 18       whatever. I don't know the exact number 19       in terms of the title, I can't be certain 20       of the exact title. But it was something 21       along the lines of suspicious order 22       monitoring report. And I may not be 23       completely accurate on that. It's been a 24       while.</p>
<p style="text-align: center;">Page 67</p> <p>1       Q. What does QAD stand for?</p> <p>2       A. I'm not sure what the 3       acronym stands for. QAD is another ERP 4       system. It's what we used in the earlier 5       years at Actavis.</p> <p>6       Q. So what -- how would a -- 7       how would a report be triggered?</p> <p>8       A. Reports were triggered 9       automatically out of the system. They 10       didn't have -- it didn't rely on a person 11       to hit a button and print it. They were 12       generated automatically several times 13       throughout the day.</p> <p>14       Q. So what would you do when 15       you received a purchase order or, what 16       would you -- who -- first of all, explain 17       to me the process.</p> <p>18       When -- when a customer 19       places an order, who takes the order 20       down? Or how does the customer place an 21       order?</p> <p>22       A. Okay. The customer can 23       place an order in a number of different 24       ways. One of the more common ways would</p>	<p style="text-align: center;">Page 68</p> <p>1       be they would place it electronically 2       through EDI. But we did have a lot of 3       customers that also placed orders 4       manually.</p> <p>5       Manually could mean one of 6       two things. Manual meaning just a 7       hardcopy purchase order. I mean, it 8       wasn't too common at that time that they 9       would use mail. But fax was very common, 10       and e-mail not so much. But fax was very 11       common. And then -- and then EDI. So it 12       was a combination of the two.</p> <p>13       Q. And then how would that 14       information make it into your QAD system?</p> <p>15       A. If -- one of two ways, 16       either electronic or manual. So if it 17       was a manual purchase, it would be 18       manually entered. If it was electronic 19       it would be uploaded automatically within 20       the system.</p> <p>21       Q. And then who did the manual 22       entering?</p> <p>23       A. My team.</p> <p>24       Q. And who did the electronic</p>

<p style="text-align: center;">Page 69</p> <p>1       uploading?</p> <p>2           A. The system.</p> <p>3           Q. The system automatically.</p> <p>4           Okay. So you had the orders</p> <p>5       that are entered into the QAD system; is</p> <p>6       that correct?</p> <p>7           A. Yeah.</p> <p>8           Q. And then what -- what</p> <p>9       criteria would be used to automatically</p> <p>10      generate a suspicious order report or the</p> <p>11      long form report?</p> <p>12      A. I'm sorry. Can you clarify</p> <p>13      the question?</p> <p>14      Q. So you said that the</p> <p>15      reports, whose name you're not sure, but</p> <p>16      I'm going to say --</p> <p>17      A. It's a number.</p> <p>18      Q. -- suspicious order report</p> <p>19      with a number. You said that it was</p> <p>20      automatically generated from the QAD</p> <p>21      system --</p> <p>22      A. Correct.</p> <p>23      Q. -- when information --</p> <p>24      when -- it was automatically generated in</p>	<p style="text-align: center;">Page 70</p> <p>1       the QAD system.</p> <p>2           Was it automatically</p> <p>3       generated when the purchase order</p> <p>4       information was entered into the system?</p> <p>5           A. Yes. It would have to be</p> <p>6       afterwards. So that's why it was several</p> <p>7       times throughout the day. Each report</p> <p>8       would capture the orders that came prior</p> <p>9       to it.</p> <p>10      Q. Okay. And what -- what</p> <p>11      flagged in the system that caused it to</p> <p>12      enter a particular order onto this</p> <p>13      report?</p> <p>14      A. So it's been quite some</p> <p>15      time. And I don't feel that I can speak</p> <p>16      completely accurate to the logic behind</p> <p>17      the report. But I can speak to some.</p> <p>18      There were different criteria. So maybe</p> <p>19      a customer was a first-time purchaser.</p> <p>20      You know, sometimes it was a</p> <p>21      new drug, you know, a new product launch.</p> <p>22      Those would automatically be flagged as</p> <p>23      new. Maybe it was a new size, or perhaps</p> <p>24      the purchase quantities, you know,</p>
<p style="text-align: center;">Page 71</p> <p>1       exceeded whatever the threshold that was</p> <p>2       set -- and I apologize, I don't recall</p> <p>3       what that was -- based on historical</p> <p>4       purchases.</p> <p>5       Q. I'm going to show you a</p> <p>6       document that I will enter as Exhibit 3.</p> <p>7           (Document marked for</p> <p>8           identification as Exhibit</p> <p>9           Baran-3.)</p> <p>10       MS. ANTULLIS: It's Tab</p> <p>11       Number 9.</p> <p>12       BY MS. ANTULLIS:</p> <p>13       Q. In the meantime, can I ask</p> <p>14       you, did you review any -- did you review</p> <p>15       any criteria in preparation for this</p> <p>16       deposition?</p> <p>17       A. This criteria, no.</p> <p>18       Q. That we are discussing.</p> <p>19       A. No.</p> <p>20       Q. Did you review -- are you</p> <p>21       familiar with the Controlled Substance</p> <p>22       Act?</p> <p>23       A. Yes.</p> <p>24       Q. Did you review the</p>	<p style="text-align: center;">Page 72</p> <p>1       Controlled Substance Act prior to this</p> <p>2       deposition?</p> <p>3       A. No. But I'm familiar with</p> <p>4       it. Yeah.</p> <p>5       Q. I'll give you a minute to</p> <p>6       read it.</p> <p>7       A. Thank you. I'm almost</p> <p>8       there. Bear with me. I'm sorry.</p> <p>9       Q. Do you recall -- do you</p> <p>10      recall this e-mail chain?</p> <p>11      A. I honestly don't recall it.</p> <p>12      But it looks very accurate as something</p> <p>13      that would have happened.</p> <p>14      Q. Do you have any reason to</p> <p>15      believe that this was not you, Nancy</p> <p>16      Baran?</p> <p>17      A. No.</p> <p>18      Q. Is this something that you</p> <p>19      would have sent in the ordinary course of</p> <p>20      your business?</p> <p>21      A. Yes, very possible.</p> <p>22      Q. Does the explanation on the</p> <p>23      first page where you list a bullet point,</p> <p>24      and it says, "An order appears in the</p>

<p style="text-align: center;">Page 73</p> <p>1        suspicious order report if it meets the 2        following criteria," six bullet points. 3            A. Six bullet points. 4            Q. Does that refresh your 5        recollection as to what criteria 6        triggered a suspicious order report in 7        2009? 8            A. Does that refresh? 9            Q. Right. You got -- 10          A. Yeah. 11          Q. Right. 12          A. Yes. Yes. 13          Q. Okay. So let's go through 14        this for a minute. I'd like to 15        understand Bullet Point Number 2. You 16        say, "The 25 percent threshold will 17        increase to 40 percent for abuse-type 18        drugs." 19            What does that mean? 20          A. So based on what I'm reading 21        here, I'm clearly detailing, I guess, 22        part of what the program was doing. But 23        having not built it, I don't know if I 24        can speak to that at this point. I don't</p>	<p style="text-align: center;">Page 74</p> <p>1        know. I don't know if I can answer that 2        question. 3            Q. So you don't know what you 4        meant when you said the 25 percent 5        threshold will increase to 40 percent for 6        abuse-type drugs? 7            A. I don't recall. And if I 8        tried to give you an answer, I would be 9        making one up. 10          Q. All right. 11          MS. LEVY: Don't -- don't 12        guess or speculate. She wants -- 13        she wants you to answer what you 14        know. 15          THE WITNESS: Yeah, I don't 16        know. 17          BY MS. ANTULLIS: 18          Q. Pull -- pulling back then. 19        It says -- it says that, you know, if the 20        amount ordered by the customer is 21        25 percent over the customer's rolling 22        average, and it refers below for what 23        that means, that that would trigger a 24        suspicious order, right?</p>
<p style="text-align: center;">Page 75</p> <p>1        Is that correct, is that 2        what it says? 3            A. That's what it says. 4            Q. Okay. And then again it 5        says that the report is printed several 6        times a day, which you testified to 7        earlier. 8            When it says, and if you 9        were -- do you recall whether that 10        25 percent was a -- a threshold that was 11        applied against purchases that came in 12        daily? 13          A. I apologize, but I don't 14        have any recollection of that, the 15        criteria behind it. 16          Q. Higher up in the e-mail, you 17        say, "John, the quick answer to the first 18        part of your question is that we do have 19        a process in place to govern the ordering 20        of controlled drugs. The longer question 21        is that I believe our process is not 22        current and that there are significant 23        room for improvement." 24            Do you remember what</p>	<p style="text-align: center;">Page 76</p> <p>1        improvements you were thinking of when 2        you wrote that? 3            A. Oh, absolutely. 4            Q. Okay. Would you share with 5        me what improvements you thought the 6        system needed? 7            A. Sure. Automation. I mean I 8        was -- remember, I was the team that had 9        to execute on the operational piece, and 10        it was very manual and very 11        time-consuming, and, you know, we were -- 12        it was -- it was burdensome. I mean it 13        achieved our objective, but it was very 14        manual. That's the -- the simplest way 15        to describe it. Painful. 16            We got to our destination, 17        but it -- we took, you know, a very 18        manual route to get there. I don't know 19        how to explain it any other way. 20          Q. What was -- I'm trying to 21        understand what -- what was manual. 22          When you say manual, do you 23        mean that the review of the order report 24        and determination of suspicious orders</p>

<p style="text-align: center;">Page 77</p> <p>1 was a manual process?</p> <p>2 A. Yes. Well, that as well. I 3 mean it took someone to look at the 4 report, stop on -- on every order, 5 question, meet, have discussions, you 6 know, document really, and -- and all 7 those steps.</p> <p>8 It was -- you know, the 9 system gave its judgment and its opinion, 10 and, like, based on the criteria that 11 were set, but then the rest of the 12 process was manual.</p> <p>13 Q. Okay. And again, the 14 criteria that were set by the system, do 15 you recall what those are?</p> <p>16 A. That's where I'm -- I'm very 17 grey. It's been so many years. I -- I 18 really don't feel that I could speak 19 accurately to the criteria that the 20 report was looking at.</p> <p>21 Q. Do you have any reason to 22 believe that -- that the explanation that 23 you've given in Exhibit 3 in this e-mail 24 is inaccurate?</p>	<p style="text-align: center;">Page 78</p> <p>1 A. Exhibit 3 -- oh, the whole 2 exhibit?</p> <p>3 Q. In the bullet point list.</p> <p>4 A. Oh.</p> <p>5 Q. In your explanation to 6 John --</p> <p>7 A. Okay.</p> <p>8 Q. -- it goes through the first 9 and then goes to the middle of the second 10 page.</p> <p>11 A. Yes.</p> <p>12 Q. Do you believe that to be an 13 accurate representation of what the 14 system -- the criteria of the system was 15 based on at the time you sent the e-mail?</p> <p>16 A. To the points that I recall, 17 yes. In terms of the criteria and the 18 percentages and all that, if -- if I put 19 it there, it came from somewhere. But I 20 wouldn't have recalled that if you asked 21 me.</p> <p>22 You know, you can see one of 23 his questions was about making sure we're 24 shipping to licensed customers. I mean,</p>
<p style="text-align: center;">Page 79</p> <p>1 we had a lockdown process. Nothing went 2 anywhere if the customers weren't 3 properly licensed. Things were locked up 4 very tight, and there was -- there was no 5 gaps. Customers had to have the proper 6 licensing. They couldn't be expired. So 7 that was one of his questions that I see 8 that he asked in here.</p> <p>9 Q. Right. You -- you said that 10 the process was manual, and I asked you 11 whether it was manual with regard to 12 review of the -- the suspicious order 13 reports. You indicated that that was -- 14 I believe your phrasing was something 15 along the lines of yes, that was one 16 thing.</p> <p>17 Was there something else 18 about the process that was manual in 19 2009?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. What else was manual 22 about the process in 2009?</p> <p>23 A. So let me take myself back 24 and think of some of the highlights in</p>	<p style="text-align: center;">Page 80</p> <p>1 terms of manual.</p> <p>2 The orders would be placed 3 on -- on hold, that was manual. And then 4 once we did our due diligence, if -- if 5 we were satisfied with what we were 6 releasing, the order of release would be 7 manual. Yeah, so, any of the -- the 8 keystrokes and the steps that you needed 9 to do to put the order on and off hold 10 were manual.</p> <p>11 Q. And when you say we placed 12 the order on hold, who is "we"?</p> <p>13 A. We, when I say -- when I 14 refer to "we," I meant my team.</p> <p>15 Q. Okay. And my team is the 16 customer service department --</p> <p>17 A. Right.</p> <p>18 Q. -- or the customer service 19 team?</p> <p>20 A. That's correct. No -- no 21 other team -- all of our order holds as 22 an example, if we have a -- maybe a 23 customer gets put on a credit hold, 24 someone in customer service does not have</p>

<p style="text-align: center;">Page 81</p> <p>1 security access to release a credit hold, 2 much like the same, no other groups had 3 access to those holds.</p> <p>4 Q. Understood. So you can put 5 that exhibit aside for -- for now, we may 6 come back to it later.</p> <p>7 A. Okay.</p> <p>8 Q. But I want to return to 9 Exhibit 2.</p> <p>10 A. Oh.</p> <p>11 Q. And just discuss. So you've 12 listed three different, one, two, three. 13 You've listed your -- your time at 14 Actavis, Allergan, and Teva as three 15 different entries. It says Actavis 2008 16 to 2013, Allergan 2008 to 2017, and Teva 17 2008 to 2017; is that correct?</p> <p>18 A. It's probably a little 19 confusing the way it reads. I had a 20 resum writer take my resum , and -- and 21 they did my LinkedIn profile. And I 22 guess this is the way they thought it 23 should appear.</p> <p>24 Q. Understood.</p>	<p style="text-align: center;">Page 82</p> <p>1 A. But it's -- it's all one 2 company.</p> <p>3 Q. Do you remember when you -- 4 when you began your employment at -- at 5 Actavis in 2008, which company hired you?</p> <p>6 A. When I began my employment 7 with Actavis, which company hired me? 8 Actavis.</p> <p>9 Q. Okay. Is that -- do you 10 remember which Actavis? Can you be more 11 specific? Actavis Inc.?</p> <p>12 A. I don't know the -- the 13 legal entity name, Actavis Inc., LLC, I 14 don't know.</p> <p>15 Q. Okay.</p> <p>16 A. So, you know.</p> <p>17 Q. So at some point during your 18 employment at Actavis, Watson came in and 19 acquired the company.</p> <p>20 A. Correct.</p> <p>21 Q. Is that correct?</p> <p>22 A. Yes.</p> <p>23 Q. Did your job duties change 24 at that point?</p>
<p style="text-align: center;">Page 83</p> <p>1 A. Yes. The -- the role not so 2 much but the -- the magnitude did. I 3 mean the volume obviously. So to explain 4 that, Watson had its customer service 5 group headquartered in California, 6 Irvine, California. And the decision was 7 made that they wanted to have customer 8 service in a corporate location, which 9 the decision was Parsippany, New Jersey. 10 So I was given the 11 opportunity to build the new combined 12 team. And when I say build, we had to 13 build it virtually from the ground up. 14 Actavis was a much smaller company at the 15 time and the customer service group for 16 Watson, I'm just going to take a guess, 17 maybe they had 15, 20 employees. I 18 don't -- I don't remember the number 19 exactly. Very seasoned. I mean their 20 average years of service were probably 21 like 20 years, so a very seasoned team. 22 So it was my job to build a team in 23 Parsippany, New Jersey, to ensure that we 24 didn't skip a beat, that there was never</p>	<p style="text-align: center;">Page 84</p> <p>1 any interruption to the customer, they 2 never felt the difference, and we did 3 just that.</p> <p>4 But your original question, 5 did my role change, not really. It's the 6 same job.</p> <p>7 Q. So in -- under your listing 8 for Teva Pharmaceuticals, it says, if you 9 look on Page 3 of 5, the third bullet 10 point, it says, "Acquired knowledge of 11 DEA" --</p> <p>12 A. I should correct that. 13 Yeah, I'm sorry, go ahead. I didn't mean 14 to interrupt.</p> <p>15 I just realized, I said -- I 16 said my role didn't really change. In 17 some aspects it grew. In some aspects it 18 did change.</p> <p>19 Suspicious order monitoring 20 was an area that -- that did change 21 because Watson had its own function. It 22 had a, you know, a larger compliance 23 group and people focused on suspicious 24 order monitoring outside of the customer</p>

<p style="text-align: center;">Page 85</p> <p>1 service group. So our role, although we    2 were still involved, we were still part    3 of any questioning or investigation they    4 had to do, we were a support mechanism,    5 but we were not the lead. So there were    6 other -- a couple other areas such as    7 customer master data, for example. You    8 know, in a smaller company like the    9 original Actavis, that was all part of my    10 team. Now that we're part of this bigger    11 company, there was a group for that. So    12 there were certain things that were    13 pulled out. So I just wanted to clarify.    14 Because I think I originally said my role    15 was the same. It was the same, but, you    16 know, in some respects different.</p> <p>17 Q. You anticipated one of my    18 later questions.</p> <p>19 A. Okay.</p> <p>20 Q. I appreciate that. Thank    21 you. That's very helpful information to    22 know.</p> <p>23 So this is -- I'm -- I'm    24 asking about a description that you have</p>	<p style="text-align: center;">Page 86</p> <p>1 written under your Teva entry. And what    2 I would like to know is if the bullet    3 point I'll allowed -- I'm about to read    4 is specific to Teva or if this applied to    5 your job while you were at Actavis.    6 It says, "Acquired knowledge    7 of DEA and FDA regulations and building    8 new processes and procedures to ensure    9 full compliance and improve suspicious    10 order monitoring initiatives."    11 Did you acquire that    12 knowledge while you were at Actavis when    13 it was Actavis?</p> <p>14 A. Correct, yes.</p> <p>15 Q. Okay. Prior to your time at    16 Actavis, had you ever worked with DEA    17 regulations?</p> <p>18 A. No, I had not.</p> <p>19 Q. Were you familiar with the    20 Controlled Substances Act prior to    21 your -- your time at Actavis?</p> <p>22 A. Not at all.</p> <p>23 Q. Okay. How did you learn    24 about the Controlled Substances Act?</p>
<p style="text-align: center;">Page 87</p> <p>1 A. I threw myself into it. And    2 I educated myself using people around me,    3 whether it be our attorneys helping me    4 understand the regulations, our    5 compliance officer. Going to a DEA    6 conference. Things as simple as reading    7 articles online. I mean, I threw myself    8 into it and educated myself, yeah.</p> <p>9 Q. Did Actavis ever offer you    10 any training regarding the Controlled    11 Substance Act?</p> <p>12 A. The conference that I went    13 to would be a good example of that.</p> <p>14 Q. Did Actavis ever offer any    15 internal training regarding the    16 requirements in the Controlled Substance    17 Act?</p> <p>18 A. I don't know. It depends on    19 how you define training. If training is    20 sitting and meeting with a colleague and    21 reading it and understanding it and    22 having dialogue, to me that's training,    23 because I'm learning. But it's not like,    24 okay, let's sign up for this course we</p>	<p style="text-align: center;">Page 88</p> <p>1 have. So it depends on how you define    2 training.</p> <p>3 Q. So did Actavis ever provide    4 a course on the Controlled Substance Act    5 with course materials and a presentation,    6 speaker?</p> <p>7 A. Not that I recall.</p> <p>8 Q. Okay. I want to finish this    9 document, and then we'll take a break if    10 that's all right.</p> <p>11 Who asked you -- did anybody    12 ask you when you joined Actavis to learn    13 about the Controlled Substance Act?</p> <p>14 A. Not immediately upon joining    15 Actavis. That was not my original    16 charge. But yes, my boss at the time,    17 you know, asked me. He knew what he was    18 getting with me. And I was proven at    19 that point. And he wanted someone on the    20 project that was going to take it and run    21 with it and make sure that we were doing    22 all the things that we needed to do. So    23 I was assigned the task by my boss.</p> <p>24 Q. And who was your boss?</p>

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<p>1           A. Michael Perfetto.</p> <p>2           Q. And when you say assigned</p> <p>3       the project, what do you mean by the</p> <p>4       project?</p> <p>5           A. Just basically looking at</p> <p>6       our process in terms of the regulation.</p> <p>7       Finding ways to automate it. I mean,</p> <p>8       everything we did, and everything I do,</p> <p>9       quite frankly, is always finding ways to</p> <p>10      be better, and that was really the</p> <p>11      objective of this. You know, making sure</p> <p>12      that we could enhance the systems that we</p> <p>13      already had.</p> <p>14           Q. When did Michael Perfetto</p> <p>15      assign you that project?</p> <p>16           A. So I could give you an</p> <p>17      approximate time period. I can't tell</p> <p>18      you exactly when. But, you know, in</p> <p>19      driving here I was actually thinking</p> <p>20      about that. I said, I hope they don't</p> <p>21      ask me dates because -- but I'm going to</p> <p>22      say that it was perhaps the late spring</p> <p>23      of 2011 --</p> <p>24           Q. Okay.</p>	<p>1           A. -- approximately.</p> <p>2           Q. If you look at Exhibit 3</p> <p>3       again very quickly. Do you have it in</p> <p>4       front of you?</p> <p>5           A. Exhibit 3?</p> <p>6           Q. I believe so, yes. It's an</p> <p>7       e-mail. It's dated in August of 2009.</p> <p>8           A. Okay.</p> <p>9           Q. Did you have any role with</p> <p>10      the suspicious order monitoring program</p> <p>11      in 2009 beyond the application of policy</p> <p>12      that we discussed previously?</p> <p>13           A. If application of policy in</p> <p>14      your definition is a way to reflect</p> <p>15      operational execution, then yes. Beyond</p> <p>16      that I didn't have any -- any role, yeah.</p> <p>17           Q. And were you aware in 2009</p> <p>18      of the requirements of the Controlled</p> <p>19      Substance Act?</p> <p>20           A. Yes, but at a very high</p> <p>21      level. I knew -- in other words, I'm the</p> <p>22      type when I'm doing something, I like to</p> <p>23      know why I'm doing it. You know, what's</p> <p>24      this for? So I was aware, you know, of</p>
<p style="text-align: center;">Page 91</p> <p>1       it and the importance. But I wouldn't</p> <p>2       have considered myself an expert, I mean,</p> <p>3       at that -- at that time. Certainly aware</p> <p>4       of it.</p> <p>5           Q. You said that your team was</p> <p>6       responsible for reviewing the suspicious</p> <p>7       order monitoring reports that were</p> <p>8       generated by the QAD system, correct?</p> <p>9           A. Yes.</p> <p>10          Q. What criteria did you use to</p> <p>11       review those reports to determine whether</p> <p>12       the order could be released or was in</p> <p>13       fact a suspicious order?</p> <p>14          A. So we had a very specific</p> <p>15       set of criteria and guidelines that we</p> <p>16       looked at. But I would be speaking out</p> <p>17       of turn trying to sit and recite what</p> <p>18       those were. Obviously because you can't</p> <p>19       give a team a report, and say, here,</p> <p>20       figure this out.</p> <p>21          So we had guidelines. I</p> <p>22       don't recall the specifics. I recall a</p> <p>23       couple of examples, if that helps.</p> <p>24          You know, sometimes, the new</p>	<p style="text-align: center;">Page 92</p> <p>1       product, as I mentioned earlier, if</p> <p>2       something was a new product. First-time</p> <p>3       buyer, there was a flag that was a</p> <p>4       first-time buyer. Well, there would be</p> <p>5       certain steps that would have to be taken</p> <p>6       to validate that.</p> <p>7           Everything had, you know,</p> <p>8       steps that had to be followed. It was</p> <p>9       pretty, pretty logical.</p> <p>10          Q. Were those guidelines</p> <p>11       written?</p> <p>12          A. I don't recall. I don't</p> <p>13       recall.</p> <p>14          Q. Do you know, do you remember</p> <p>15       who -- who explained -- did anybody</p> <p>16       explain the guidelines to you?</p> <p>17          A. I hear buzzing.</p> <p>18          Yes. Who that would have</p> <p>19       been, I mean, that is more than seven</p> <p>20       years ago. I don't recall that, sorry.</p> <p>21          Q. Do you recall how you first</p> <p>22       became acquainted with the guidelines?</p> <p>23          A. The very first day that I --</p> <p>24       you know, in taking responsibility for my</p>

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<p>1 team, and one of the, you know,      2 responsibilities was managing this report      3 that comes out several times a day.      4 That's the first I ever knew of it.      5 Until that, I wouldn't have even --      6 excuse me -- known a regulation or what a      7 C.F.R. even was, you know. My first      8 exposure.</p> <p>9 Q. Do you know who at Actavis      10 might -- might know whether there were      11 written guidelines in 2008 when you      12 started?</p> <p>13 A. The guidelines that we      14 operated by?</p> <p>15 Q. Yes.</p> <p>16 A. The best person for that      17 probably should be me to be honest with      18 you. But it's just a matter of my      19 remembering and recalling that.</p> <p>20 Q. Did you write the guidelines      21 or did you write the guidelines?</p> <p>22 A. No.</p> <p>23 Q. In 2008?</p> <p>24 A. No. Because this was --</p>	<p>1 this was happening before Nancy Baran      2 showed up.</p> <p>3 Q. So I want to go to the      4 project that you referenced that you said      5 Michael Perfetto assigned you a      6 project --</p> <p>7 A. Yes.</p> <p>8 Q. -- in or about 2011.</p> <p>9 A. Correct.</p> <p>10 Q. What did he ask you to do at      11 that time?</p> <p>12 A. It was essentially to, you      13 know, look at our systems, our processes,      14 our reports, our operational guidelines      15 and everything in terms of how it's, you      16 know -- not really how it's measuring up      17 to the regulation, because there was no      18 concern about compliance. It was more      19 about how do we take it to the next step.      20 How do we do even -- even more than we're      21 doing today? And we did that. We did      22 take it to the next step.</p> <p>23 Q. Okay. I'm aware that people      24 are getting fidgety and want to take a</p>
Page 95	Page 96
<p>1 break. So I'm going to go ahead and let      2 that happen.</p> <p>3 A. Okay.</p> <p>4 Q. We'll come back to this very      5 quickly. But I think let's go off the      6 record for now.</p> <p>7 THE VIDEOGRAPHER: The time      8 is 10:22 a m. Off the record.</p> <p>9 (Short break.)</p> <p>10 THE VIDEOGRAPHER: We are      11 back on the record. The time is      12 10:38 a m.</p> <p>13 MR. LUXTON: Steve Luxton on      14 behalf of the Teva defendants.      15 Can we stipulate, Counsel, as to      16 the Teva defendants and the      17 Allergan defendants, since we both      18 also represent the witness, that      19 an objection for one of those      20 defendants is an objection for all      21 of the defendants?</p> <p>22 MS. ANTULLIS: Yes.</p> <p>23 MR. LUXTON: Thank you.</p> <p>24 BY MS. ANTULLIS:</p>	<p>1 Q. So before we -- before we go      2 too far, I don't want to forget. The      3 presentation that you looked at to      4 refresh your recollection prior to coming      5 to this deposition, you said that it was      6 the same as a -- as a document that your      7 counsel showed you during your six-hour      8 preparation session for the deposition;      9 is that correct?</p> <p>10 A. Yes.</p> <p>11 MS. ANTULLIS: Okay. So,      12 Counsel, can -- will you agree to      13 provide the Bates number of that      14 document, so that we know what it      15 is that she was reviewing to      16 refresh her recollection?</p> <p>17 MS. LEVY: We'll discuss      18 that on a break and we'll let you      19 know.</p> <p>20 MS. ANTULLIS: Okay.</p> <p>21 BY MS. ANTULLIS:</p> <p>22 Q. Let's go back to document --      23 Document 2, I believe. Exhibit 2.      24 So, so very quickly, at some</p>

<p style="text-align: center;">Page 97</p> <p>1 point Watson transitioned, Teva acquired 2 the company. 3 A. Correct. 4 Q. And -- and bought the 5 generics wing; is that correct? 6 A. Yes. That's correct. 7 Q. So did your position 8 transfer then to Teva? 9 What -- what position did 10 you have at Teva? 11 A. So there was a transition 12 period. So, just to clarify. From the 13 time the deal was announced, to the time 14 the transaction was actually closed, for 15 a variety of reasons of which I'm not 16 sure I even know, took much longer than 17 thought, so I don't know, there was maybe 18 a year period in between that. So my 19 role, during that year, was to continue 20 managing my team, doing the day-to-day 21 business, and once we were at a point and 22 a juncture where we were allowed to share 23 information, there was a certain time, 24 and I don't know what that was. Maybe it</p>	<p style="text-align: center;">Page 98</p> <p>1 was when the deal closed. I forgot. 2 Once that happened, my role 3 quickly shifted to be one of 4 transitioning, because Teva had someone 5 in my role. And clearly, you know, they 6 didn't need two people. Unfortunate for 7 me, it's a company I would have certainly 8 retired with. But you never take it 9 personal. It's just the industry we're 10 in, and it's constantly consolidating. 11 So to answer your question, I did lose my 12 role, but I was there and -- and spent a 13 lot of time and energy to make sure I 14 transitioned things properly. My team is 15 still intact today, and I wanted to leave 16 it in -- in good order. 17 Q. Did you have any role with 18 the suspicious order monitoring processes 19 and procedures at Teva? 20 A. No, I did not. 21 Q. And when did you leave Teva? 22 MS. ANTULLIS: I never say 23 it correctly. I'm sorry. 24 MR. LUXTON: That's all</p>
<p style="text-align: center;">Page 99</p> <p>1 right. 2 THE WITNESS: The beginning 3 of January 2017. 4 BY MS. ANTULLIS: 5 Q. Okay. And what was the term 6 that you used, off -- "offboarding"? 7 A. I was a synergy. Is that 8 what you mean? 9 Q. No, it -- essentially you 10 were laid off; is that correct? 11 A. Correct. 12 Q. Is that the correct 13 terminology? 14 A. Yes. 15 Q. Okay. 16 A. Involuntary. 17 Q. Involuntary. 18 A. Yeah. 19 Q. All right. And do you bear 20 any ill will towards any of the 21 defendants in the case? 22 A. No. 23 Q. Do you bill -- bear any ill 24 will to any of the plaintiffs in the</p>	<p style="text-align: center;">Page 100</p> <p>1 case? 2 Do you know who the 3 plaintiffs are? 4 A. I don't know who the 5 plaintiffs are. 6 Q. So in 2000, February of 2018 7 you went to, I'm going to mispronounce 8 it, but Daiichi Sankyo? 9 A. Yes. 10 Q. Okay. And it says that you 11 were strategy leadership and program 12 management, a contractor for six months. 13 What did that position -- what job duties 14 did that position entail? 15 A. So this job was completely 16 out of the scope of anything I had done 17 my other 25 years of my career. I don't 18 know if it was that they really needed 19 help or it was more of a favor from a 20 former colleague that -- that knew I was 21 sitting home and like anxious to get 22 back. 23 They had -- their company 24 was shifting their focus from an -- to an</p>

<p style="text-align: center;">Page 101</p> <p>1 oncology company. And as part of that 2 they had a lot of things that were going 3 on. They were restructuring their sales 4 force. So their HR team was extremely 5 overburdened, highly stressed.</p> <p>6 The person that hired me 7 happened to be my career coach that 8 Actavis had hired for me years prior. So 9 once again she knew what she was getting 10 with me, she just needed a body to come 11 in and help manage their extra workload. 12 I was only really going to be there for 13 two months. I ended up staying for six 14 months. So, but it's totally outside of 15 the scope of anything else that I've ever 16 done.</p> <p>17 Q. Is it a medical device 18 company?</p> <p>19 A. They are pharmaceuticals.</p> <p>20 Q. They're a pharmaceutical 21 company?</p> <p>22 A. Yeah.</p> <p>23 Q. So then is it fair to say 24 that for approximately 24 years you</p>	<p style="text-align: center;">Page 102</p> <p>1 worked in the field of medical devices or 2 pharmaceuticals?</p> <p>3 A. Approximately 50 in percent 4 each.</p> <p>5 Q. 50 percent in each. Okay. 6 I'm going to go through a 7 list of questions that I don't want -- I 8 want to remember not to ask you -- I 9 don't want to forget to ask you.</p> <p>10 A. Okay.</p> <p>11 Q. So during what period of 12 your career did you work with opioids?</p> <p>13 A. Certainly not in medical 14 devices. That would not have happened 15 until my -- my employment with Actavis.</p> <p>16 Q. Okay. So you worked with 17 opioids through your career at Actavis, 18 Allergan, Teva and then not again after 19 that; is that correct?</p> <p>20 A. That's -- well, I don't even 21 know, to be honest with you, Daiichi's 22 product -- product mix, because that 23 didn't come into play in my role. I 24 don't know if they have opioids or not.</p>
<p style="text-align: center;">Page 103</p> <p>1 I'm sorry. So let's leave that as 2 possibly with Daiichi. But I don't know 3 what their product mix is.</p> <p>4 Q. That's fine.</p> <p>5 When you left Teva did you 6 sign a nondisparaging agreement?</p> <p>7 A. Like a separation agreement, 8 if -- if that's what it's called. Is 9 that non -- yeah, I signed an agreement.</p> <p>10 Q. It could have a --</p> <p>11 A. I'm not sure of the title.</p> <p>12 Q. -- nondisparagement clause 13 or it could be a nondisparagement 14 agreement.</p> <p>15 Did your -- did you sign a 16 separation agreement?</p> <p>17 A. A separation agreement. I 18 don't know what the title was.</p> <p>19 Q. Do you know if the 20 separation agreement had a 21 nondisparagement provision?</p> <p>22 A. I don't know what that is, 23 so I'm not sure.</p> <p>24 Q. Okay. Do you understand</p>	<p style="text-align: center;">Page 104</p> <p>1 that if it did have a nondisparagement 2 provision if that would prevent you from 3 testifying honestly today?</p> <p>4 A. Could you repeat that 5 question?</p> <p>6 Q. Do you understand that if 7 your separation agreement had a 8 nondisparagement clause, that it wouldn't 9 prevent you from testifying today?</p> <p>10 MS. LEVY: Object to form.</p> <p>11 You can answer.</p> <p>12 THE WITNESS: I -- I guess I 13 don't understand it, because I 14 don't even understand any of the 15 terminology. So, I'm -- I'm not 16 sure.</p> <p>17 BY MS. ANTULLIS:</p> <p>18 Q. Is there anything about your 19 separation with Teva that prevents you 20 from testifying honestly and fully today?</p> <p>21 A. Oh. Well, put that way, 22 that's -- thank you. No.</p> <p>23 Q. Okay. Have you ever been a 24 member of any pharmaceutical compliance</p>

<p style="text-align: center;">Page 105</p> <p>1 organizations?</p> <p>2 A. No, I have not.</p> <p>3 Q. Have you ever been a member</p> <p>4 of any industry trade groups or industry</p> <p>5 working groups?</p> <p>6 A. Not a formal member, no.</p> <p>7 And I've read articles from groups like</p> <p>8 HDMA and all that, I -- but I wouldn't</p> <p>9 say that I was a member, no.</p> <p>10 Q. Have you ever attended any</p> <p>11 industry conferences with HDMA or --</p> <p>12 A. I attended a few industry</p> <p>13 conferences. I wouldn't say that I was a</p> <p>14 very active participant. But I did go</p> <p>15 to, I believe it was an HDMA conference</p> <p>16 and NCA -- NCDAS, I think it's called. A</p> <p>17 couple, you know, trade shows. That</p> <p>18 really wasn't very significant in my</p> <p>19 role.</p> <p>20 Q. Do you know if Allergan</p> <p>21 has -- Actavis has a record of the</p> <p>22 conferences and trade shows you would</p> <p>23 have attended during your employment?</p> <p>24 A. I doubt it, because it</p>	<p style="text-align: center;">Page 106</p> <p>1 wasn't -- well, they would have had to</p> <p>2 pay for me to go, so, sure. Through</p> <p>3 expense reports or something. I'm sure</p> <p>4 they would.</p> <p>5 Q. Did your boss have to</p> <p>6 approve your attendance at these</p> <p>7 conferences?</p> <p>8 A. Sure. That would be a</p> <p>9 normal course of business. You wouldn't</p> <p>10 just sign up for these and travel without</p> <p>11 discussion and approval, yes.</p> <p>12 Q. So how would the approval</p> <p>13 go? Would you -- would you -- would it</p> <p>14 be casual through an e-mail?</p> <p>15 A. I mean it -- it really</p> <p>16 wasn't like that. It was more of a --</p> <p>17 you were kind of sign -- signed up along</p> <p>18 with the rest of the group. It was so</p> <p>19 few times. If I had to -- to guess on a</p> <p>20 number, I may have been to a conference</p> <p>21 or a trade show, I don't know, four</p> <p>22 times.</p> <p>23 Q. Okay.</p> <p>24 A. Approximately.</p>
<p style="text-align: center;">Page 107</p> <p>1 Q. Do you remember generally</p> <p>2 when those trade shows happened? Were</p> <p>3 they at the beginning of your career,</p> <p>4 middle of your career, scattered</p> <p>5 throughout?</p> <p>6 A. Before Watson, and I believe</p> <p>7 I was at one with -- after Watson</p> <p>8 acquired us.</p> <p>9 Q. Okay.</p> <p>10 A. Yeah.</p> <p>11 Q. Have you attended any</p> <p>12 conferences related to compliance issues?</p> <p>13 A. Yes.</p> <p>14 Q. Do you remember -- do you</p> <p>15 recall what conferences you attended that</p> <p>16 related to compliance issues?</p> <p>17 A. That was the</p> <p>18 Cegedim-Buzzeo-DEA compliance conference.</p> <p>19 Q. Okay.</p> <p>20 A. It was either in Baltimore</p> <p>21 or Washington D.C., I don't recall.</p> <p>22 Q. Do you know if the training</p> <p>23 that you received at that conference was</p> <p>24 sponsored by any opioid manufacturer,</p>	<p style="text-align: center;">Page 108</p> <p>1 distributor or pharmacy?</p> <p>2 A. I don't believe so. I think</p> <p>3 it was sponsored by this vendor. I think</p> <p>4 they were sponsoring themselves.</p> <p>5 Q. And were representatives</p> <p>6 from other -- other pharmaceutical</p> <p>7 manufacturers and distributors present at</p> <p>8 the conference?</p> <p>9 A. Yes.</p> <p>10 Q. Do you remember which</p> <p>11 entities were represented?</p> <p>12 A. I -- there were, I don't</p> <p>13 know, I feel like there were a hundred or</p> <p>14 two. But I kind of went, listened,</p> <p>15 learned, did my own thing. Went out to</p> <p>16 dinner, went home. You know, I -- I</p> <p>17 didn't really engage with any of them. I</p> <p>18 would say the only one person I recall</p> <p>19 meeting and spending any time discussing</p> <p>20 with, was someone from UPS supply chain</p> <p>21 that was there and they supported us as</p> <p>22 well. So that would be the -- the only</p> <p>23 person I can attest to being there.</p> <p>24 Q. So you say the UPS Supply</p>

<p style="text-align: right;">Page 109</p> <p>1      Chain supported you?</p> <p>2            A. Mm-hmm.</p> <p>3      Q. What was the nature of their</p> <p>4      relationship with Actavis?</p> <p>5      A. So UPS Supply Chain, so I'm</p> <p>6      speaking pre -- pre-Watson. UPS Supply</p> <p>7      Chain was a third party distribution.</p> <p>8      Q. Okay. And did they handle</p> <p>9      both branded and generic drugs?</p> <p>10     A. That's correct.</p> <p>11     Q. And did they handle any</p> <p>12     aspect of your suspicious order</p> <p>13     monitoring program at any point during</p> <p>14     your time at Actavis?</p> <p>15     A. I want to be careful how I</p> <p>16     answer that, based on the way you phrased</p> <p>17     the question. You had asked me if they</p> <p>18     handled any part of our suspicious order</p> <p>19     monitoring. So to answer it that way, I</p> <p>20     would say no.</p> <p>21     They did what was their own</p> <p>22     suspicious order monitoring process. We</p> <p>23     had two independent processes that went</p> <p>24     over on top of one another.</p>	<p style="text-align: right;">Page 110</p> <p>1      Q. Did those two independent</p> <p>2      processes work together in a synergistic</p> <p>3      fashion?</p> <p>4      A. No. They were completely</p> <p>5      independent.</p> <p>6      Q. Okay. So -- so let's just</p> <p>7      walk me through this.</p> <p>8      Say a distributor places an</p> <p>9      order for a controlled substance. Who</p> <p>10     fills that order?</p> <p>11     A. Well, the word "fills," to</p> <p>12     me, I would define that as -- when I hear</p> <p>13     fill, it means supply and ship, right?</p> <p>14     So --</p> <p>15     Q. Who provides the drugs?</p> <p>16     A. Okay. Provides the drugs to</p> <p>17     me sounds the same.</p> <p>18     Q. Who manufactures the drug?</p> <p>19     A. Manufactures would be</p> <p>20     Actavis.</p> <p>21     Q. Okay. And when the -- when</p> <p>22     the distributor places an order, do they</p> <p>23     place the order with Actavis directly?</p> <p>24     A. That's correct.</p>
<p style="text-align: right;">Page 111</p> <p>1      Q. So do they place an order</p> <p>2      with UPS?</p> <p>3      A. No, they don't. The --</p> <p>4      Q. Okay. So --</p> <p>5      A. There is only one exception</p> <p>6      to that.</p> <p>7      Q. Okay. What's the exception?</p> <p>8      A. Because of the logistical</p> <p>9      piece, they never placed the order with</p> <p>10     UPS. But the 222 forms were, because the</p> <p>11     hard copies needed to be in their</p> <p>12     possession as the distribution arm, the</p> <p>13     hard copies were sent there, and what</p> <p>14     they would do is they would send us a</p> <p>15     photocopy so that we could do our process</p> <p>16     on the other end, but the original</p> <p>17     documents had to be within their hands.</p> <p>18     So, you know, I don't like</p> <p>19     to describe it as they placed the order</p> <p>20     with UPS, but they mailed the 222</p> <p>21     document to UPS, if that makes sense.</p> <p>22     Q. And UPS would transmit that</p> <p>23     document to you?</p> <p>24     A. Yes.</p>	<p style="text-align: right;">Page 112</p> <p>1      Q. To -- as you say to your</p> <p>2      process?</p> <p>3      A. And it went through our</p> <p>4      process like it -- like anything else</p> <p>5      normally would.</p> <p>6      Q. So does that apply to both</p> <p>7      branded and generic pharmaceuticals?</p> <p>8      A. The process -- first of all,</p> <p>9      we weren't really a very big branded</p> <p>10     company, I think, in terms of our</p> <p>11     products. But the answer would be yes.</p> <p>12     Q. Okay. And so, when you say</p> <p>13     "do our process," what does "our process"</p> <p>14     entail?</p> <p>15     A. Our process is everything</p> <p>16     that we spoke of earlier. So we would</p> <p>17     take that order from start to finish.</p> <p>18     You know, even outside of suspicious</p> <p>19     orders, we would validate all the normal</p> <p>20     things that you would with an order. Is</p> <p>21     this customer valid? Is it someone that</p> <p>22     has open credit terms? You know, where</p> <p>23     are we shipping? What are we shipping?</p> <p>24     Are the prices matching? Everything,</p>

<p style="text-align: center;">Page 113</p> <p>1 including -- up to including the SOM 2 process.</p> <p>3 Q. So that order would be 4 passed through the SOM process -- the 5 SOMs process?</p> <p>6 A. Yes.</p> <p>7 Q. At what point does UPS get 8 notification of the order?</p> <p>9 A. So if an order advances from 10 our, Actavis's, system, then UPS will 11 gain access to it. If it were on hold --</p> <p>12 Q. At that point -- let me 13 [just -- at that point in time, has it 14 already -- has the order already gone 15 through your SOM system?</p> <p>16 A. It would have to before UPS 17 would ever get their hands on it.</p> <p>18 Q. Okay.</p> <p>19 A. Yeah.</p> <p>20 Q. So then I'm sorry. 21 Continue. So then after the order has 22 gone through the SOM system and you are 23 transmitting it to UPS.</p> <p>24 A. The SOM system, and any of</p>	<p style="text-align: center;">Page 114</p> <p>1 the other order validation checks that it 2 had to go through, all of those would 3 take place upfront. And UPS wouldn't 4 have visibility or any access to the 5 order unless it passed those criteria. 6 Then it would go to UPS.</p> <p>7 Q. And you said that UPS had a 8 SOMs program as well.</p> <p>9 A. Correct. Mm-hmm.</p> <p>10 Q. So would UPS then run that 11 order through its own program?</p> <p>12 A. Yeah. So 100 percent of the 13 same orders that we were evaluating on 14 our end would then transmit through UPS 15 and then they would run through their 16 mathematical algorithms and their 17 calculations.</p> <p>18 Q. And were there algorithms 19 and calculations different than used at 20 Actavis?</p> <p>21 A. Yes. They were proprietary 22 and they were definitely different than 23 Actavis's.</p> <p>24 Q. And did the UPS system ever</p>
<p style="text-align: center;">Page 115</p> <p>1 generate any -- we'll call them orders of 2 interest?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. Would you mind -- 5 please explain what an order of interest 6 is.</p> <p>7 A. Yeah. So, I always like to 8 use that term, we use the term OI, orders 9 of interest, as something that's being 10 evaluated. When we refer to something as 11 a suspicious order, that means it was 12 deemed suspicious. So an order of 13 interest, UPS could, much like an order 14 would pend on our system because it was 15 an order of interest, the same thing 16 could happen at UPS. And they had their 17 set of processes that they would run 18 through.</p> <p>19 And much like my team, 20 customer service, would have to do their 21 due diligence and review purchases, 22 sales, you know, understand, you know, 23 market conditions or whatever might be 24 driving that to make an informed</p>	<p style="text-align: center;">Page 116</p> <p>1 decision, UPS would do the same thing. 2 Now, they would have to come 3 back to us for that justification. And 4 they would push on us, just like we would 5 push on our own internal teams. You 6 know, nothing went by without a good 7 explanation. And they would hold the 8 order just like we would.</p> <p>9 Q. Do you recall if the UPS 10 SOMs system ever placed orders on -- ever 11 pended any orders that -- did the UPS 12 system ever pend any orders that came 13 from Actavis?</p> <p>14 A. Oh, absolutely.</p> <p>15 Q. Okay. Did the Actavis 16 system -- do you recall if the Actavis 17 system also pended those same orders?</p> <p>18 A. That's a great question. 19 Because our -- because our two systems 20 were not running on the exact set of 21 criteria and formulas behind the scenes, 22 you would have to imagine, and it was 23 true, that we would have orders pend that 24 they didn't and just the same. Sometimes</p>

<p style="text-align: center;">Page 117</p> <p>1       they would have an order pend that we 2       didn't. And on many occasions we would 3       both have the same order pend. 4           So it was not a mirror of 5       one another. 6           Q. Okay. We'll probably come 7       back to that later. UPS, we'll come back 8       to that later. 9           A. Good. 10          Q. I'd like to move on to Tab 11       58 which, I believe, is Exhibit Number 4. 12           (Document marked for 13       identification as Exhibit 14       Baran-4) 15       BY MS. ANTULLIS: 16          Q. I will only be asking you 17       questions about particular points in 18       here. I'll represent to you that this 19       was part of your personnel file that was 20       produced to us in this case last week. 21          A. Okay. 22          Q. This particular document 23       contains what are called Actavis Per4ma. 24       Would you mind explaining to me what a</p>	<p style="text-align: center;">Page 118</p> <p>1       Per4ma is? 2           A. So every company, I have to 3       imagine, in one way, shape or form, sets 4       out to manage the performance of their 5       employees. So you start out with a 6       certain, you know, expectations of your 7       employees and maybe you refer to them as 8       goals and objectives. You know, what are 9       you looking to accomplish in a given 10       year. And how did you achieve and what 11       were the results as compared to that. 12       You know -- 13          Q. So was this an annual 14       review -- 15          A. It was an annual -- 16          Q. -- that you -- that you did 17       of yourself? 18          A. Yeah, so you would evaluate 19       yourself, and then your manager would 20       evaluate you on top of that. 21          Q. Do you recall if you did 22       similar self-evaluations when -- after 23       the Watson acquisitions? 24          A. Yes. I'm pretty sure I</p>
<p style="text-align: center;">Page 119</p> <p>1       should have had one most, if not all, 2       years. 3           Q. Do you know what they would 4       have been called at that time? 5           A. There was always different 6       terminology. Pro4mas, Per4mas. I don't 7       recall the name now. 8           Q. Do you recall completing 9       one, something similar while you were -- 10       after the -- after the Teva acquisition? 11          A. I don't -- after the Teva 12       acquisition? Based on the time they 13       happened, I don't know. I don't think 14       so. 15          Q. Other than your last year 16       then at Teva, do you recall completing 17       one of these every year for your 18       employment at Actavis? 19          A. Every year as far as I'm 20       aware, because it's not like we had a 21       choice. It was one of those chores, you 22       know, you had to do it. Very tedious and 23       time consuming. And I'd put a lot of 24       effort into mine because let's face it, I</p>	<p style="text-align: center;">Page 120</p> <p>1       worked very hard throughout the year. 2       And you want your performance review to 3       accurately reflect that, so I typically 4       put a lot of time into it, which is why 5       this probably feels pretty heavy. 6           Q. This is also several years. 7           A. Oh, it is. Okay. 8           Q. So let's first turn to -- 9       and at the bottom -- I'm sorry, I haven't 10       been reading Bates numbers. At the 11       bottom it is ALLERGAN_MDL_SUPP_00001425. 12       So it's towards the back of the document. 13          A. Would you repeat the last 14       digits. 15          Q. 1425. 16          A. 25. Okay. 17          Q. Do you recognize this 18       document? 19          A. Certainly recognize the look 20       of it, yes. 21          Q. On the following page, 1426, 22       on the bottom right-hand corner, there's 23       a signature there. 24          A. Yeah.</p>

<p style="text-align: center;">Page 121</p> <p>1 Q. Is that your signature? 2 A. Yes, it is. 3 Q. If we go to 1431. So in the 4 block in the middle on that page, there 5 is a title. It says, "Efficiency." And 6 then there are comments that follow. 7 Who -- who wrote the text 8 that starts with "consistently 9 identifying opportunities"? Was that 10 you? 11 A. If you don't mind, can I 12 take a minute to read? 13 Q. Yeah. Read that paragraph. 14 A. Okay. So I'm with you now. 15 Q. So my question to you is 16 just regarding the second sentence. It 17 says you reviewed a DEA suspicious 18 activity. And this was in the year 2008 19 Per4ma, correct? 20 A. Correct. 21 Q. What did you do to report -- 22 to improve the reporting of DEA 23 suspicious activity in -- in 2008? 24 A. Okay. So, what this is</p>	<p style="text-align: center;">Page 122</p> <p>1 referring to, based on my recollection, I 2 believe what the issue was at the time 3 was over-the-counter products, which were 4 not controlled drugs, were somehow 5 polluting the report and just making it 6 busy and more to sift through. So it 7 didn't impact the end result. But it 8 was -- it was clutter and it just made 9 our job more difficult. So -- from what 10 I recall, we -- we worked with IT to have 11 that removed. And they were not even 12 related to controlled drugs. 13 Q. So when you -- let's go back 14 to this, this report, the suspicious 15 order report that you talked about, that 16 we discussed earlier. Was that a report 17 that spanned all drug classes? 18 A. The way the report was 19 designed was, the intent was for 20 controlled drugs only. 21 Q. So was that then just a 22 hiccup in the system? 23 A. From what I recall -- 24 MR. LUXTON: Objection to</p>
<p style="text-align: center;">Page 123</p> <p>1 form. 2 THE WITNESS: Can I answer? 3 Okay. Can I answer? Okay. I 4 don't get that whole process, so 5 tell me when I -- 6 MS. LEVY: You can -- you 7 can answer every question unless 8 we instruct you not to answer. 9 But just because the woman to your 10 right is typing down all of the 11 things that are being said -- 12 THE WITNESS: Okay. 13 MS. LEVY: -- you just have 14 to wait for us to say the 15 objection, pause for a minute, and 16 then give your answer. 17 THE WITNESS: Very good. 18 Thank you. 19 MS. LEVY: So you may 20 answer. 21 THE WITNESS: And I forgot 22 what the question was, so... 23 THE VIDEOGRAPHER: Can 24 you -- can you raise your</p>	<p style="text-align: center;">Page 124</p> <p>1 microphone up just a -- a few more 2 inches up? 3 THE WITNESS: Sure. 4 THE VIDEOGRAPHER: Thank 5 you. 6 THE WITNESS: From what I 7 recall -- 8 MS. LEVY: Hold on. Let her 9 rephrase the question for you. 10 THE WITNESS: Yeah. 11 BY MS. ANTULLIS: 12 Q. So you -- you stated that 13 over-the-counter products were displaying 14 on the suspicious order reports that you 15 were getting throughout the day -- 16 throughout the day at that point in time, 17 correct? 18 A. From what I recall, I 19 believe that was the case. I believe 20 that was something that needed to be 21 removed. It was an error in what was 22 coming through, based on the product 23 classification. 24 Q. Okay. So the system was</p>

<p style="text-align: right;">Page 125</p> <p>1 then designed to, is it -- the system was 2 then designed to capture controlled 3 substances only, correct?</p> <p>4 A. Yes. Based on all product 5 types, had a product classification, and 6 that drove what was included on the 7 report.</p> <p>8 Q. All right. So now, we're 9 going to go to -- we're going to go to 10 document -- the section of the document 11 starting at ALLERGAN_MDL_1420, which is a 12 few pages in front of where we were. 13 So, do you recognize this?</p> <p>14 A. So far. The format looks 15 familiar, yeah.</p> <p>16 Q. On the bottom of Page 1421 17 there's a signature there. It says Nancy 18 Baran?</p> <p>19 A. Yeah.</p> <p>20 Q. Is that your signature?</p> <p>21 A. Yes, it is.</p> <p>22 Q. Okay. So look at 23 Objective 2, the box on 1421. There's a 24 large box here. And it says Objective 2,</p>	<p style="text-align: right;">Page 126</p> <p>1 "Develop customer service team." 2 Read the first full 3 paragraph.</p> <p>4 A. Okay. Okay. So I read the 5 first paragraph.</p> <p>6 Q. Okay. So it says, the 7 second sentence starts, "Additionally 8 Nancy has engaged the group with cross 9 training with other departments." 10 Do you see that?</p> <p>11 A. Yes.</p> <p>12 Q. And it says, "It includes 13 several departments including but not 14 limited to sales and marketing, medical 15 affairs, regulatory compliance," 16 parentheses says "recall, SOP and finance 17 covering AR credit and collections, 18 deductions" --</p> <p>19 MR. DEARMAN: Slow it down a 20 little bit.</p> <p>21 MS. ANTULLIS: I told you I 22 speak too fast.</p> <p>23 BY MS. ANTULLIS: 24 Q. -- "deductions, returns,</p>
<p style="text-align: right;">Page 127</p> <p>1 chargebacks, rebates and Medicaid." 2 Is that correct?</p> <p>3 A. That's correct.</p> <p>4 Q. So are these all separate 5 departments within Actavis?</p> <p>6 A. They are all separate 7 departments.</p> <p>8 Q. Okay. So there is a medical 9 affairs department?</p> <p>10 A. I mean some of them may be 11 combined. Like chargebacks, rebates, 12 they -- they may fall in -- in one group, 13 but they are different processes, so...</p> <p>14 Q. So what group would 15 chargebacks and rebates -- chargebacks 16 and rebates fall into?</p> <p>17 A. I don't recall the exact 18 structure at that time. It was under 19 finance somewhere.</p> <p>20 Q. Okay. And then you -- so it 21 says then that you, you engaged a group 22 in cross training, correct?</p> <p>23 A. Mm-hmm.</p> <p>24 Q. So --</p>	<p style="text-align: right;">Page 128</p> <p>1 A. Yes.</p> <p>2 Q. -- can you explain from a -- 3 from a -- actually strike that.</p> <p>4 Did any of the cross 5 training include suspicious order 6 monitoring training?</p> <p>7 A. So this is really pertaining 8 to something completely outside of 9 suspicious order monitoring. This was 10 really an intention to take a group that 11 is tasked with making sure we're meeting 12 customer needs, following corporate 13 guidelines and objectives and policies 14 and procedures, and putting all that 15 together and making sure both interests 16 are properly met. And it's very 17 difficult to do that when you're dealing 18 with multiple cross-functional areas when 19 you don't really have an appreciation for 20 what they do.</p> <p>21 So the only intent of this 22 program, and the word cross training, I 23 don't want you to be confused or misled. 24 You know, when you hear training, you</p>

<p style="text-align: center;">Page 129</p> <p>1 think I'm going to be trained so I can do 2 a job and I can be an expert. That's not 3 what this was. 4 Look at it more as creating 5 an awareness, you know, what do some of 6 these teams do. What are their main 7 objectives. What's their purpose. What 8 are some of their challenges. And the 9 reason for that is so that we could 10 understand one another better, so that we 11 could operate more as a collective team. 12 You know, you need support 13 on a return. There's information I may 14 have that can help you. It just made for 15 better working relationships and 16 partnership across teams. But it -- it 17 wasn't cross training like we never sat 18 down and said show me how to process a 19 chargeback. It was really more of an 20 awareness.</p> <p>21 Q. Are there any written 22 materials that were produced as part of 23 this?</p> <p>24 A. No. It was really just like</p>	<p style="text-align: center;">Page 130</p> <p>1 meet and greet. Sit and talk and -- and 2 chat. Yeah. 3 Q. So, can you please explain 4 what a chargeback is? 5 A. So that's not my area of 6 expertise, but I'll -- and I've never 7 managed chargebacks. 8 Q. Well, can you -- 9 A. But I can -- 10 Q. -- to the best of your 11 understanding -- 12 A. To the best of my 13 understanding, what I can explain to you, 14 because that's something that is very far 15 removed from -- from my knowledge. But a 16 chargeback, you know, I believe we sell 17 to wholesalers at like a WAC price, and 18 then if customers buy through them at a 19 contracted price that I think we've 20 agreed upon, I think there's chargebacks 21 that are processed. That's -- that's as 22 much as I can tell you because that never 23 fell in the scope of -- of what I managed, so...</p>
<p style="text-align: center;">Page 131</p> <p>1 Q. Okay. Can you tell me, 2 did -- did the various departments at 3 Actavis ever receive suspicious order 4 monitoring training that you were aware 5 of?</p> <p>6 A. The various departments. So 7 when we say various departments, 8 that's -- there's -- there's many 9 departments.</p> <p>10 Q. What's -- let me -- let me 11 rephrase the question.</p> <p>12 A. And I don't think I'd be in 13 a position to speak to what training they 14 had.</p> <p>15 MS. LEVY: Let her finish 16 before you --</p> <p>17 MS. ANTULLIS: Sorry. 18 BY MS. ANTULLIS:</p> <p>19 Q. I'm -- I'm just going to 20 rephrase the question for you, because 21 that was -- that was broad and 22 open-ended.</p> <p>23 Did you ever organize a 24 suspicious order monitoring training</p>	<p style="text-align: center;">Page 132</p> <p>1 within Actavis?</p> <p>2 A. For any teams that touched 3 the process, which would not be every 4 area of the company.</p> <p>5 Q. Okay. So what teams would 6 touch the process?</p> <p>7 A. You know, teams that we 8 relied on for support in terms of I -- 9 you know, IT was aware of, you know, what 10 we were doing.</p> <p>11 I mean, and the training was 12 at different -- deeper dive with -- with 13 some areas than others, but --</p> <p>14 Q. Did you ever organize the 15 training with the sales and marketing 16 department?</p> <p>17 A. No. No. There was no 18 training for them. They just had to give 19 us answers when we demanded them.</p> <p>20 Q. Okay. And by -- so I'm 21 using -- by sales and marketing in this 22 context, are you -- are you understanding 23 me to mean the -- the salespeople 24 themselves, the sales, the people who</p>

<p style="text-align: center;">Page 133</p> <p>1 handle the -- the selling and marketing 2 of the drug directly?</p> <p>3 A. When you say sales, that's 4 what I think of, yeah.</p> <p>5 Q. The customer service 6 department at Actavis, did it fall under 7 a larger umbrella group?</p> <p>8 A. Yes, it did.</p> <p>9 Q. And what was the name of 10 that group?</p> <p>11 A. Sales and marketing.</p> <p>12 Q. Okay. So within the sales 13 and marketing organization, the customer 14 service department was a -- its own 15 subentity, correct?</p> <p>16 A. That's correct.</p> <p>17 Q. The salespeople, did the 18 salespeople fall into a separate entity, 19 a separate subgroup under the same 20 umbrella?</p> <p>21 A. Yes.</p> <p>22 Q. And what was the name of 23 that?</p> <p>24 A. Sales.</p>	<p style="text-align: center;">Page 134</p> <p>1 Q. Sales. So did you ever 2 organize suspicious order monitoring 3 program for the sales team?</p> <p>4 A. I did not.</p> <p>5 Q. A training program?</p> <p>6 A. Yeah, I did not. But I 7 can't say for sure what they would 8 have -- if anything. You know, I can't 9 say that. I did not, no.</p> <p>10 Q. And -- and the marketing, 11 the people who did, you know, marketing, 12 what department did they fall under?</p> <p>13 A. They fell -- they were in 14 their own separate umbrella under sales 15 and marketing blanket, yeah.</p> <p>16 Q. Did you ever design or give 17 a suspicious order monitoring training to 18 people in the marketing, the 19 sales/marketing section -- group?</p> <p>20 A. I don't like to refer to it 21 as training necessarily. But they were 22 actively engaged. They were part of the 23 project team in terms of guidance and, 24 you know, they played an active role at</p>
<p style="text-align: center;">Page 135</p> <p>1 reviewing and evaluating data, customer 2 data.</p> <p>3 Q. So who -- were the -- to 4 your knowledge, were the sales or 5 marketing groups aware of -- made aware 6 of the requirements of the Actavis 7 suspicious order monitoring program?</p> <p>8 MR. LUXTON: Objection to 9 form.</p> <p>10 BY MS. ANTULLIS:</p> <p>11 Q. You can answer.</p> <p>12 A. Okay. Thank you. I mean, 13 they certainly were aware of I because if 14 something went on hold, they were 15 impacted because their order wasn't 16 shipping and they had to partner with us 17 to get us the information we needed. 18 They were aware of it. You know, not to 19 the extent of, you know, what steps did 20 we take on every order, not at that level 21 of detail. But they were certainly aware 22 of what the, you know, regulation was, 23 and what our obligation was as a 24 manufacturer.</p>	<p style="text-align: center;">Page 136</p> <p>1 Q. Do you know if -- do you 2 know if anyone ever instructed them, ever 3 transmitted to them any -- do you know 4 if -- do you remember the guidance that 5 you told me about earlier that you 6 followed when you were evaluating a 7 suspicious order? Do you know if that 8 guidance was ever transmitted to anybody 9 in the sales and marketing department's 10 teams?</p> <p>11 A. The guidance -- can you 12 define guidance, what do you mean? Which 13 part of our conversation?</p> <p>14 Q. I'm referring to the 15 guidance, that you -- you called it 16 guidance earlier. You said when the 17 reports were generated from the QAD 18 system, in evaluating the reports to 19 determine whether an order was suspicious 20 or not --</p> <p>21 A. Yeah.</p> <p>22 Q. -- you had guidance. You 23 had received some sort of guidance as to 24 what criteria would be used to</p>

<p style="text-align: right;">Page 137</p> <p>1 determine --      2 A. Oh, okay. Thank you.      3 Q. To determine whether that      4 order was suspicious or not.      5 So I'm asking if you know      6 whether that guidance was ever      7 transmitted to anybody in the sales or      8 marketing department?      9 A. I am not aware that it ever      10 would have been. And I don't know why it      11 would have been, if that ever did take      12 place. But I'm not aware of it, no.      13 Q. Who -- did you ever      14 interact --      15 A. It's kind of like giving      16 your secrets. You know, you don't want      17 to show too many cards. So I don't      18 believe we would have told them what our      19 system is looking for. From a sales      20 standpoint, they don't need to know. I      21 don't know.      22 Q. Okay. You used -- you used      23 the words "secrets." So I'm just --      24 A. Well, it's just like a</p>	<p style="text-align: right;">Page 138</p> <p>1 customer --      2 MR. LUXTON: Wait for the      3 question.      4 BY MS. ANTULLIS:      5 Q. So would -- were the      6 requirement -- were the criteria that you      7 used to evaluate a suspicious order a      8 suspicious order contained -- were they      9 kept away from the sales and marketing      10 departments?      11 A. To the best of my knowledge,      12 yes. Yeah.      13 Q. And was that a deliberate      14 choice?      15 A. Yeah. I mean, I don't -- I      16 don't know why they would need it.      17 Q. Okay. Did you ever interact      18 with people in the sales and marketing      19 groups?      20 A. Yes, I did.      21 Q. Okay. Do you remember some      22 of the people that you interacted with,      23 their names?      24 A. Yes. Because it was very</p>
<p style="text-align: right;">Page 139</p> <p>1 limited. If I remember correctly, we      2 only had five salespeople. So I could      3 try to remember some names if you'd like.      4 Q. Yes. Who were some of the      5 name of the salespeople?      6 A. Michael Dorsey. Thad Demos.      7 Lisa Pehlke, Steve Cohen, and Michael      8 Berryman. I think that covers everybody.      9 Q. Did you ever work with a      10 woman named Rachelle Galant?      11 A. Yes. Rachelle.      12 Q. Rachelle. I'm sorry?      13 A. Very closely.      14 Q. What department or team did      15 Rachelle Galant work for?      16 A. Rachelle is in marketing.      17 Q. Okay. And when you say      18 marketing, are you referring to the      19 marketing group or are you referring to      20 the sales and marketing umbrella?      21 A. She was in marketing.      22 Q. Marketing group. Okay.      23 That's all I have on that right now. Was      24 Rachelle Galant ever trained in how to</p>	<p style="text-align: right;">Page 140</p> <p>1 detect a suspicious order?      2 A. Rachelle was instrumental      3 and very active in what the regulation      4 requirements were, what our processes      5 were, and she was an instrumental part in      6 helping us bring us to the next level.      7 And, you know, we can talk about that      8 when the time is right, in terms of all      9 of our efforts that we did.      10 Q. Would Rachelle have trained      11 the people -- was Rachelle a supervisor      12 in the marketing department?      13 A. I would not categorize her      14 as such.      15 Q. What was her -- what was her      16 job title?      17 A. I don't recall her exact --      18 it could be product manager, but I      19 don't -- I don't recall her exact title.      20 Q. Did she manage any      21 employees?      22 A. I can't say with certainty.      23 Maybe not initially, but she may have had      24 like a junior marketing analyst report to</p>

<p style="text-align: right;">Page 141</p> <p>1       her at some period.</p> <p>2       Q. Was Rachelle Galant ever 3       tasked with writing a standard operating 4       procedure for suspicious order 5       monitoring?</p> <p>6       A. Not for suspicious order 7       monitoring. Well, no, I take that back.</p> <p>8       Yes, she partnered on the 9       indirect side. We had two parts of our 10      process. And she was heavily involved in 11      helping draft and write these indirect 12      policies and procedures.</p> <p>13      Q. Do you know about when that 14      happened, when she wrote those 15      procedures?</p> <p>16      A. Somewhere later in 2011.</p> <p>17      Q. Do you know -- do you 18      happen --</p> <p>19      A. Early 2012.</p> <p>20      Q. -- to know why -- sorry.</p> <p>21      Do you happen to know why 22      Rachelle Galant was given that task?</p> <p>23      A. So Rachelle was instrumental 24      from a marketing standpoint in helping</p>	<p style="text-align: right;">Page 142</p> <p>1       launch another initiative called 2       ValueTrak. And it was a reporting 3       mechanism that we would -- we would pay 4       for to help slice and dice our data, the 5       best way to describe it. And it's been 6       so long. I forget the codes. But let's 7       just say EDI transaction on an 0867. I 8       don't remember the numbers. But data in, 9       data out. And looking at those indirect 10      sales at the wholesaler level.</p> <p>11      So because she was working 12      on that project, she was definitely the 13      right person to help us on the initiative 14      of the suspicious order side. But her 15      initiative was really in the second part 16      of our project, which was the indirect 17      piece, versus the direct sales to our 18      wholesalers and distributors.</p> <p>19      Q. Do you -- why was Rachelle 20      Galant looking at sales to wholesaler 21      customers, as part of her job function, 22      if you know?</p> <p>23      A. As part of her job function, 24      I almost feel like we want to ask her</p>
<p style="text-align: right;">Page 143</p> <p>1       that in terms of the marketing role. But 2       if I can -- how would I describe -- I 3       would have to defer her job description 4       in answering that, to her. Because I 5       think I would probably just mess it up.</p> <p>6       Q. So let's move on. Back to 7       Exhibit -- what was it? Four. Yep. 8       Exhibit 4.</p> <p>9       If you go to Page 1397. 10      It's about the fourth page in. This 11      appears to be a compensation statement 12      for you, Nancy Baran, in 2011 fiscal 13      year; is that correct?</p> <p>14      A. Yes.</p> <p>15      Q. Does this reflect your 16      understanding of your base salary at that 17      time?</p> <p>18      A. Yes.</p> <p>19      Q. Okay. Under -- under -- 20      there's a subtitle here that says bonus 21      information. It says, "Target bonus 22      percentage, target bonus award."</p> <p>23      A. Okay.</p> <p>24      Q. What is the target bonus</p>	<p style="text-align: right;">Page 144</p> <p>1       percentage a percentage of?</p> <p>2       A. Well, our bonus had -- which 3       I don't believe is uncommon -- was really 4       two components of it. It was based on 5       individual performance and company 6       performance.</p> <p>7       So let's just say the 8       company had a really poor year, you most 9       likely weren't going to be entitled to 10      100 percent of your bonus. You may have 11      60 or 70 percent of your bonus.</p> <p>12      On the flip side, if the 13      company did really well, you could 14      potentially get 125 percent of your 15      bonus. So there is really two components 16      to our performance plan.</p> <p>17      Q. So was any portion of your 18      bonus related to your job performance?</p> <p>19      A. Yes.</p> <p>20      Q. And what were the criteria 21      for determining whether or not you had 22      excelled in your job performance 23      sufficient enough to warrant a bonus?</p> <p>24      A. Meeting your goals and</p>

<p style="text-align: center;">Page 145</p> <p>1 objectives and general -- you know, 2 general performance, coming in, doing 3 your job, showing up, having a good 4 attitude, all those other things that 5 come along with being a good employee.</p> <p>6 Q. And was any part of your 7 bonus related to meeting targets for 8 sales of drugs?</p> <p>9 A. No.</p> <p>10 Q. Was any part of your bonus 11 tied to revenue?</p> <p>12 A. Other than the company. The 13 company component of it, I would have to 14 say yes, because, yeah, the company 15 component is tied to revenue, right?</p> <p>16 Q. But no -- but is it correct 17 to say that no -- that your bonus was not 18 based on revenue specific to your job 19 function?</p> <p>20 A. Yeah, no.</p> <p>21 MS. LEVY: Can we clarify 22 the record? Because I think 23 it's -- will you ask the question 24 again?</p>	<p style="text-align: center;">Page 146</p> <p>1 MS. ANTULLIS: Yes. 2 THE WITNESS: Did I 3 misunderstand?</p> <p>4 MS. LEVY: No, you said 5 "yes, no." I think we all sitting 6 in the room know what you mean.</p> <p>7 MR. LUXTON: You can just 8 say "correct."</p> <p>9 THE WITNESS: Maybe I -- 10 maybe I can just --</p> <p>11 MS. LEVY: Well, let -- let 12 her ask it again.</p> <p>13 BY MS. ANTULLIS:</p> <p>14 Q. Is it correct to say that 15 your -- your bonus was not based on 16 revenue that was generated -- that you 17 generated through your job function?</p> <p>18 A. It is correct my bonus was 19 not tied to revenue, yeah.</p> <p>20 MS. LEVY: Thank you.</p> <p>21 THE WITNESS: I've got to 22 listen more carefully. I'm sorry.</p> <p>23 MS. LEVY: Both of you 24 should be careful of not to talk</p>
<p style="text-align: center;">Page 147</p> <p>1 over each other for the clarity of 2 our record.</p> <p>3 MS. ANTULLIS: Sorry.</p> <p>4 BY MS. ANTULLIS:</p> <p>5 Q. All right. So you mentioned 6 ValueTrak a few minutes ago. Are you 7 familiar with that system?</p> <p>8 A. I couldn't speak much to it, 9 no.</p> <p>10 Q. Okay. Did you ever use -- 11 did you ever use that system as part of 12 your job in customer service?</p> <p>13 A. No. I've seen it. I've 14 seen demos. But no, I would not have 15 been a user.</p> <p>16 Q. And was that the system that 17 Actavis used to keep track of its sales 18 of prescription drugs?</p> <p>19 A. No.</p> <p>20 Q. What did ValueTrak track?</p> <p>21 A. I'm not even -- I'm not even 22 sure to what extent ValueTrak was 23 implemented, because then we were 24 acquired. I think -- so it wasn't</p>	<p style="text-align: center;">Page 148</p> <p>1 tracking our -- our sales. I mean, 2 that -- that was I believe -- like I -- I 3 didn't really -- I wasn't part of like 4 looking at daily sales and where we are 5 to our goals and all that. It really 6 didn't fall in what I cared about in my 7 role. I don't believe that ValueTrak had 8 any role in that. And as a matter of 9 fact, I don't believe it could have, 10 because it was one of those things, they 11 were adding on later and we would have 12 always had something to track sales. So 13 that would have to answer my question.</p> <p>14 Q. So are you aware of any 15 other system that Actavis used to track 16 the sales of prescription drugs while you 17 were there?</p> <p>18 A. Not that I'm aware of. I 19 don't know.</p> <p>20 Q. Do you know if Actavis has a 21 record of every order filled?</p> <p>22 A. Sure. I don't know why they 23 wouldn't. Yeah.</p> <p>24 Q. Do you -- do you know where</p>

<p style="text-align: center;">Page 149</p> <p>1       that record would be maintained?</p> <p>2           A. Electronically.</p> <p>3           Q. Do you know if Actavis</p> <p>4       tracks inventory?</p> <p>5           A. Yes.</p> <p>6           Q. And does it use a -- a</p> <p>7       system to do that, did it use a system to</p> <p>8       do that while you were there?</p> <p>9           A. Yes. What those systems</p> <p>10      were from a supply chain side, I don't</p> <p>11      know, it may have been QAD as well.</p> <p>12           Q. Did customer service play</p> <p>13      any role in maintaining supply?</p> <p>14           A. I would say yes to that.</p> <p>15           Q. What role did customer</p> <p>16      service play in maintaining supply?</p> <p>17           A. We were the -- we were the</p> <p>18      ones that communicated when we were -- I</p> <p>19      mean, they could see on the supply chain</p> <p>20      side when we were out of stock, right.</p> <p>21      But we were the ones communicating with</p> <p>22      customers on a daily basis. And this has</p> <p>23      nothing to do with controlled drugs.</p> <p>24      This is across all drugs. You may have a</p>	<p style="text-align: center;">Page 150</p> <p>1       noncontrolled drug that is causing a lot</p> <p>2       of pain with customers in the market</p> <p>3       and -- and customers are highly</p> <p>4       inconvenienced, patients, because they</p> <p>5       can't access the drug. So we were the</p> <p>6       voice of the customer, and we would --</p> <p>7       like sometimes it was like the one who</p> <p>8       screamed the loudest. Like, hey, we need</p> <p>9       you guys to shift your -- your</p> <p>10      priorities, because this one is killing</p> <p>11      us. You know, so we would communicate</p> <p>12      about customer needs.</p> <p>13           Q. Okay.</p> <p>14           A. But to that extent, like we</p> <p>15      didn't drive, you know, what their plans</p> <p>16      should be, you know.</p> <p>17           Q. You -- you've used the term</p> <p>18      customers, customer department, customer</p> <p>19      service, you've used the word customers a</p> <p>20      lot throughout the deposition so far. So</p> <p>21      I just want to clarify for the record</p> <p>22      what you mean when you say customers.</p> <p>23           What do you mean when you</p> <p>24      use the term "customers"?</p>
<p style="text-align: center;">Page 151</p> <p>1           A. Well, in my role, customer</p> <p>2      means many things. But if you had to put</p> <p>3      them in order of importance, the customer</p> <p>4      is the patient.</p> <p>5           Q. Okay.</p> <p>6           A. But customer to me I would</p> <p>7      break it into two categories. Our</p> <p>8      internal customers, those and other</p> <p>9      departments surrounding us in the</p> <p>10     company, that we also support in many</p> <p>11     ways.</p> <p>12           But the customer can be a</p> <p>13     wholesaler. They can be a distributor, a</p> <p>14     retail chain. But ultimately the</p> <p>15     customer that every single one of us in</p> <p>16     the supply chain is supporting is the</p> <p>17     patient.</p> <p>18           Q. So the patient then, is a</p> <p>19     customer; is that correct?</p> <p>20           A. Absolutely.</p> <p>21           Q. Are wholesalers customers?</p> <p>22           A. Yes.</p> <p>23           Q. Are pharmacies customers?</p> <p>24           A. Not directly that we do</p>	<p style="text-align: center;">Page 152</p> <p>1       transactional data with them. But they</p> <p>2       are customers, because they are</p> <p>3       purchasing our product, yes.</p> <p>4           Q. Are prescribers customers?</p> <p>5           A. Because I've never had any</p> <p>6      involvement with prescribers, I've never</p> <p>7      really thought about that. But sure, if</p> <p>8      prescribers are using -- are prescribing</p> <p>9      our product, I guess you can consider</p> <p>10     them customers. They've never been a</p> <p>11     customer in my focus though, so I never</p> <p>12     really thought about -- thought about</p> <p>13     prescribers.</p> <p>14           Q. Was maintaining strong</p> <p>15     customer relationships a part of your job</p> <p>16     function?</p> <p>17           A. Yes.</p> <p>18           Q. And what customer</p> <p>19     relationships did you maintain, what --</p> <p>20     with which customers did you maintain</p> <p>21     relationships?</p> <p>22           A. Wholesalers, distributors,</p> <p>23     retail chains. In some aspects we would</p> <p>24     deal with pharmacies, maybe they called,</p>

Page 153	Page 154
<p>1       they had a question on ingredients.      2       Maybe you had a customer call and cry on      3       the phone because they couldn't get      4       access to a certain drug. Or they      5       couldn't afford a certain drug, and we      6       would point them to certain programs that      7       might be able to help them.</p> <p>8           So, you know, our service      9       spanned across all those groups.</p> <p>10          Q. Okay. I'm going to      11       introduce a document into the record that      12       I'd like to ask you about. It's Tab 20.      13       It may take him some time to do that.</p> <p>14           (Document marked for      15       identification as Exhibit      16       Baran-5.)</p> <p>17       BY MS. ANTULLIS:</p> <p>18          Q. This is Exhibit Number 5.      19       It's ALLERGAN_MDL_00478433 through 8435.</p> <p>20           Sorry about that.</p> <p>21          A. Thank you.</p> <p>22          Q. So the e-mail -- this begins      23       on the bottom of Page 2. It's an e-mail      24       chain.</p>	<p>1           A. Okay.      2           Q. So the e-mail starts with a      3       woman named Maria Sakach, February 8,      4       2012. And it says it's a comment or      5       query. "Hello, I'm a pharmacist with      6       Publix in South Florida. We order our      7       medications primarily from McKesson, and      8       one of the medications we order is the      9       Actavis brand of Oxycodone. Recently we      10       have been unable to order any of this      11       medication because McKesson has stated      12       that the manufacturer is limiting the      13       amount that it is sending them."</p> <p>14          A. Okay.</p> <p>15          Q. So is this the kind of      16       contact then that you -- that you were      17       referring to from pharmacies asking about      18       supplier materials?</p> <p>19          A. Something like this would      20       happen. And that would happen from the      21       patient too.</p> <p>22          Q. Okay. So who did -- what is      23       InfoUS? This says it's from -- there's a      24       from line and a to line. And the to line</p>
<p style="text-align: center;">Page 155</p> <p>1       says InfoUS. Can you tell me what that      2       is?</p> <p>3           A. I believe that was the      4       e-mail identifier, which would be like      5       someone could go on the internet and hit,      6       ask me, contact me. It was the -- the      7       general company access for someone that      8       doesn't normally have communications with      9       us.</p> <p>10           Like if I wanted to contact      11       a random company, I would go on their      12       website and hit a button and that's where      13       I would land.</p> <p>14          Q. Understood.</p> <p>15          A. We didn't -- we didn't get a      16       tremendous amount of these so much. I      17       mean you did, you had like product      18       complaints. Like my pills have crushed      19       and, you know, that kind of stuff.</p> <p>20          Q. Okay.</p> <p>21          A. So -- marketing managed the      22       inbox because they were responsible for      23       the website, and they would triage      24       inquiries to appropriate groups.</p>	<p style="text-align: center;">Page 156</p> <p>1           Q. What department did David      2       Myers work with?</p> <p>3           A. Marketing.</p> <p>4           Q. Marketing. Okay. So --</p> <p>5           A. He managed the website.</p> <p>6           Q. So David, David Myers then      7       sends this to yourself, Rachelle Galant,      8       and Jinping -- Jinping McCormick?</p> <p>9           A. Correct.</p> <p>10          Q. Am I saying that correctly?</p> <p>11          A. Yes.</p> <p>12          Q. Okay. Says, "Are there any      13       thoughts on how I should respond to the      14       e-mail below?"</p> <p>15           Why would David Myers send      16       that to -- to you?</p> <p>17          A. If you don't mind can I take      18       a moment to read the whole chain to see      19       what this is?</p> <p>20          Q. Go ahead. Actually, you      21       know, we're going to get to -- I'll let      22       you read the first page when we get to      23       it.</p> <p>24          A. Okay.</p>

<p style="text-align: center;">Page 157</p> <p>1 Q. So go ahead and read the 2 e-mail -- 3 A. I'm just starting from the 4 bottom -- 5 MS. LEVY: You can read the 6 e-mail if you're going to get 7 asked questions about it. 8 MS. ANTULLIS: I'm going to 9 let her read the whole e-mail, but 10 I want to go through it as we go. 11 BY MS. ANTULLIS: 12 Q. So you can read the bottom. 13 A. Okay. 14 Q. Read the top. And answer my 15 question. And then we'll flip the page 16 and then you can read the first page. 17 MS. LEVY: So I'm going to 18 instruct you to read the entire 19 document and then to answer 20 questions. And not to answer 21 questions prior to that. 22 MS. ANTULLIS: That's an 23 improper objection. That's an 24 improper instruction.</p>	<p style="text-align: center;">Page 158</p> <p>1 MS. LEVY: That's fine. 2 MS. ANTULLIS: I want to put 3 that on the record. 4 MS. LEVY: Your objection to 5 my objection is noted. 6 THE WITNESS: Okay. I will 7 be happy to comply. Just give me 8 one moment and I'll read this for 9 you. 10 BY MS. ANTULLIS: 11 Q. Hold on. The problem is 12 it's an improper instruction. So I will 13 let you read it because you've asked me 14 to let you read the entire document. So 15 I'm going to let you do that. 16 A. Okay. I mean my goal is -- 17 Q. Because you have asked, not 18 because -- 19 A. My goal is to just make sure 20 that I answer properly. 21 Okay. I'm comfortable. 22 Thank you for your patience. 23 Q. So my question was, why 24 would David Myers forward this e-mail to</p>
<p style="text-align: center;">Page 159</p> <p>1 you? 2 A. Because we represented the 3 customer and if we didn't -- first of 4 all, his job was not to answer inquiries. 5 His job was to pull them off the 6 website -- 7 Q. And why would he forward it 8 to you? 9 MS. LEVY: Hang on. Let her 10 finish her answer. Please don't 11 interrupt her. 12 THE WITNESS: He was 13 triaging them, and he would 14 forward it to me because it's my 15 job to make sure a customer of any 16 shape and form is answered. 17 BY MS. ANTULLIS: 18 Q. Okay. 19 A. It doesn't necessarily mean 20 when he sends it to me that I've got all 21 the answers. But it's my job to make 22 sure that I find out what the answers 23 are. 24 Q. What department is Jinping</p>	<p style="text-align: center;">Page 160</p> <p>1 McCormick in? 2 A. Jinping was the head of 3 marketing. So Rachelle and David 4 reported to Jinping. 5 Q. So it went to -- from a 6 marketing person to two marketing people 7 and then yourself; is that correct? 8 A. Yeah. 9 Q. And if we turn the page. 10 Rachelle responds with a proposed -- 11 proposed response that the market share 12 appears to be experiencing a shortage of 13 oxycodone, correct? 14 A. Yes. 15 Q. So then, your response 16 says -- in the first sentence, it says, 17 "We can't control nor do we know how 18 McKesson goes about allocating and 19 shipping quantities of oxy." Correct? 20 A. That's correct. 21 Q. Okay. So earlier, you said 22 that Rachelle Galant used a system called 23 ValueTrak to -- to -- to track the sales 24 of its -- of Actavis drugs to</p>

<p style="text-align: center;">Page 161</p> <p>1       wholesalers' customers; is that correct?</p> <p>2           A. Yes. To some extent.</p> <p>3           Q. Okay.</p> <p>4           A. It was -- you know, go</p> <p>5        ahead.</p> <p>6           Q. So what did that system</p> <p>7        allow you to track?</p> <p>8           A. So it looked at data down --</p> <p>9        it really looked at three components.</p> <p>10      I'm just going to try to make sure I get</p> <p>11      them correctly. The first one it looked</p> <p>12      at was -- you know, is a customer</p> <p>13      purchasing from multiple sources.</p> <p>14      So for example, it's very</p> <p>15      common for a pharmacy to have a primary</p> <p>16      wholesaler and a backup, right. Why</p> <p>17      wouldn't you? And sometimes maybe they</p> <p>18      have three sources if they want to ensure</p> <p>19      continuous supply.</p> <p>20      But it would be very</p> <p>21      suspicious to us based on our categories</p> <p>22      we set up for one pharmacy to have</p> <p>23      multiple sources. So that was the first</p> <p>24      element.</p>	<p style="text-align: center;">Page 162</p> <p>1           The second one was</p> <p>2        historical purchases.</p> <p>3           And the third element was</p> <p>4        comparing it to like customers. That was</p> <p>5        the intent of that program.</p> <p>6           Q. Okay. So what data was</p> <p>7        input into the ValueTrak system that</p> <p>8        allowed it to track those three criteria?</p> <p>9           A. I'm going to try to answer</p> <p>10       that question. But technically in the</p> <p>11       answers, like, I don't know codes and</p> <p>12       the -- it was the data coming backup from</p> <p>13       the wholesalers. And there's maybe</p> <p>14       quality 67 data. I don't -- I don't</p> <p>15       remember the numbers. But it was data</p> <p>16       coming back from the wholesalers.</p> <p>17           Q. Just before I forgot to ask</p> <p>18       this. The second sentence, I believe it</p> <p>19       says, "We know customers throw us under</p> <p>20       the bus for not supplying."</p> <p>21           A. Oh, yeah.</p> <p>22           Q. Who are you referring to</p> <p>23       when you use the word "customers" in that</p> <p>24       statement?</p>
<p style="text-align: center;">Page 163</p> <p>1           A. In that specific statement,</p> <p>2        when I use the word "customers" it's very</p> <p>3        easy for me to answer. And not to throw</p> <p>4        Walgreens under the bus, but I'll use</p> <p>5        them as an example just for purposes of</p> <p>6        example.</p> <p>7           Let's face it. When you're</p> <p>8        a -- and this is my opinion, and this</p> <p>9        ties to what the e-mail is about. When</p> <p>10       you're a Walgreens pharmacist, and you</p> <p>11       choose not to supply a patient walking in</p> <p>12       for whatever reason -- I don't know how</p> <p>13       they make that determination. That's not</p> <p>14       my job. I have to imagine it's a lot</p> <p>15       more difficult because you have that</p> <p>16       patient and customer in front of you.</p> <p>17           So regardless of whatever</p> <p>18       criteria they use and what their policies</p> <p>19       and procedures tell them to do, when they</p> <p>20       should supply and when they shouldn't, I</p> <p>21       don't know. That's not for me to know.</p> <p>22           But when they're telling a customer, they</p> <p>23       aren't going to supply them, you know,</p> <p>24       there would be times where we had supply.</p>	<p style="text-align: center;">Page 164</p> <p>1           That wasn't an issue. But they were</p> <p>2        perhaps telling -- a pharmacy level was</p> <p>3        telling a customer, oh, there's no</p> <p>4        supply. We're out of stock, the</p> <p>5        manufacturer is not, you know, giving us</p> <p>6        enough, simply to make that go away.</p> <p>7           And what happened is then</p> <p>8        that puts those calls back on us. And we</p> <p>9        would look at what we're supplying.</p> <p>10           And unless at this point in</p> <p>11       time -- and I can't say today. This</p> <p>12       e-mail could have happened at one of two</p> <p>13       times. It could have happened when our</p> <p>14       supply was good, or it could have</p> <p>15       happened when we were in a market</p> <p>16       shortage. You know, maybe another</p> <p>17       manufacturer -- I'm just going to make</p> <p>18       something up. Maybe there were four</p> <p>19       players in the market, and someone jumped</p> <p>20       out so there were shortages. That could</p> <p>21       be the case. Or the --</p> <p>22           Q. Can I just direct you to the</p> <p>23       first e-mail --</p> <p>24           A. Yeah.</p>

<p style="text-align: right;">Page 165</p> <p>1       Q. -- the first sentence of the 2 e-mail that we just went through. Just 3 go ahead and read it.</p> <p>4       A. I mean, that's exactly what 5 I'm saying. I mean it's basically --</p> <p>6       Q. But in this situation --</p> <p>7       A. -- they're saying they can't 8 supply --</p> <p>9       MS. LEVY: You guys are 10 talking over each other. Try to 11 listen to her specific question 12 and then answer that question.</p> <p>13      THE WITNESS: Okay.</p> <p>14 BY MS. ANTULLIS:</p> <p>15      Q. All right. So in this 16 situation, you say it comes down to the 17 fact that we're supplying numbers way 18 above normal, so to blame it on a market 19 shortage isn't really it. In this 20 particular situation, is there supply 21 available?</p> <p>22      A. To answer that specific 23 question, based on that, this e-mail is 24 saying that there is product, yes, we are</p>	<p style="text-align: right;">Page 166</p> <p>1       supplying, and for some reason they must 2 be choosing not to supply. And that's --</p> <p>3       Q. Okay. Thank you.</p> <p>4       A. -- not for us to say. Yeah.</p> <p>5       Q. Okay. So --</p> <p>6       A. I didn't want to get that 7 wrong.</p> <p>8       Q. Sorry. So the indirect SOM 9 process implemented at Actavis, did that 10 exist prior -- was there an indirect 11 suspicious order monitoring program prior 12 to 2011 at Actavis?</p> <p>13      A. No. Not on the indirect 14 side.</p> <p>15      Q. Okay. Can you explain to me 16 why -- please explain -- why did Actavis 17 decide to institute an indirect 18 suspicious order monitoring program?</p> <p>19      A. As I mentioned earlier 20 today, you know, when I was assigned this 21 task, it was our goal to make sure that 22 we were doing everything possible to 23 protect the integrity of the supply chain 24 and to ensure and prevent diversion. So</p>
<p style="text-align: right;">Page 167</p> <p>1       we weren't satisfied with good. We 2 wanted to be great. And this effort was 3 our step to bring things, as I mentioned 4 earlier, to the next level.</p> <p>5       Q. Did you ever have any 6 conversations with the DEA regarding the 7 "Know Your Customer's Customer" guidance?</p> <p>8       A. Absolutely.</p> <p>9       Q. Okay. When did you have 10 those conversations?</p> <p>11      A. I don't know the exact date, 12 but I will say it was probably -- it was 13 shortly before the Watson transaction 14 closed, which I think was in the fall of 15 2012. So maybe this was September 2012. 16 But please don't quote me on that.</p> <p>17      Q. We'll get to it later in the 18 day.</p> <p>19      A. Okay.</p> <p>20      Q. We have documents --</p> <p>21      A. Okay.</p> <p>22      Q. -- that may help refresh 23 your recollection.</p> <p>24      A. Okay. Yeah, there was a</p>	<p style="text-align: right;">Page 168</p> <p>1       presentation that I prepared that has 2 hopefully been found in discovery 3 somewhere that would tell you the exact 4 date.</p> <p>5       Q. Okay. So as of February of 6 2012, when this e-mail was written, were 7 you aware of any "Know Your Customer's 8 Customer" guidance?</p> <p>9       A. Can you repeat that? I 10 don't know --</p> <p>11      Q. Have you ever heard the 12 phrase "Know Your Customer's Customer" 13 in -- by February of 2012?</p> <p>14      A. Yes.</p> <p>15      Q. Okay. Had Actavis started 16 to implement any procedures or policies 17 to try to know your customer's customer 18 by February of 2012?</p> <p>19      A. Several. Several 20 procedures.</p> <p>21      Q. Okay. So when you got this, 22 if you remember, do you remember this 23 particular e-mail by any chance? You 24 said there weren't that many of them?</p>

<p style="text-align: right;">Page 169</p> <p>1       A. This e-mail.      2       Q. When you received it. Do      3       you remember receiving it?      4       A. I would say that there would      5       be potentially even a few others. I mean      6       this didn't happen everyday. But when I      7       see something like this, it doesn't -- it      8       doesn't surprise me. So I --      9       Q. So when you receive an      10      e-mail like this, this e-mail or an      11      e-mail like this, did you -- did you do      12      any investigation to determine why      13      McKesson might not be supplying that      14      particular pharmacy?      15      A. So what you have to      16      understand, to answer that question, is      17      being a manufacturer of a product like      18      oxycodone, it was not uncommon -- we may      19      not get customers write on the website      20      very often, but it was not that uncommon      21      where you had customers calling --      22      customers defined in this case as      23      patients -- looking for oxycodone.      24      It was very difficult. If</p>	<p style="text-align: right;">Page 170</p> <p>1       you were to break down our role and what      2       some of the challenges were, I mean, you      3       were dealing with patients, you know,      4       crying on the phone, and we, as customer      5       service reps, had no differentiation of      6       knowing if this is truly a cancer      7       patient, for example, that's being turned      8       away at a pharmacy, or an addict that's      9       calling trying to find any way to get      10      drugs. I mean, when you're on the phone      11      with somebody, you don't have that.      12      But all we could do is treat      13      every call and patient, customer, with      14      respect, and help them in the best      15      ability we can.      16      There were -- there were      17      certain occasions where you know, maybe      18      someone couldn't access a product, we saw      19      it was in the supply chain, and we would      20      work with -- we would pick up the phone      21      and call the wholesaler and say look, you      22      know, there is inventory sitting in this      23      location. Let's figure out maybe why      24      there's a bottleneck getting it from that</p>
<p style="text-align: right;">Page 171</p> <p>1       DC to the local pharmacy. There would be      2       times where we would aid in that      3       investigation.      4       But to answer your original      5       question. Every time we got a patient      6       calling us saying that, listen, the      7       pharmacy won't give me oxycodone, we did      8       not have the capacity to investigate      9       every patient.      10      Q. Okay. But in this      11      particular example, the customer is the      12      pharmacy, correct, Publix? It's on      13      Page 2.      14      A. Yes.      15      Q. So the pharmacy then is      16      contacting you to state that it does not      17      have a supply of oxycodone, correct?      18      A. Mm-hmm.      19      Q. And your response to Michael      20      Perfetto, Rachelle Galant, David Myers      21      and the other people listed here is that      22      you're supplying numbers way above      23      normal, correct? That's what that says?      24      A. In other words, there's</p>	<p style="text-align: right;">Page 172</p> <p>1       supply in the market. In other words,      2       we're not in shortage.      3       Q. Okay. So now you're aware      4       then that there is supply in the market.      5       And this particular pharmacy is claiming      6       that McKesson is telling them they don't      7       have supply, right?      8       A. Correct.      9       Q. Did you conduct any      10      investigation to determine whether      11      McKesson was withholding supply from that      12      pharmacy?      13      A. To answer your question, I      14      can't sit here and say that we never did.      15      But in terms of general practice, you      16      know, the wholesalers were making      17      determination on their customer and why      18      they were not shipping. And it was not      19      our practice to question. If they      20      decided there was someone they weren't      21      shipping to, we didn't tell them they      22      should.      23      Q. Okay. Thank you. You can      24      put that aside for now.</p>

<p style="text-align: center;">Page 173</p> <p>1        What is your understanding 2        of Actavis's responsibilities under 3        federal law with respect to the control 4        of the supply chain of opioids? 5           A. Repeat that one more time. 6           Q. What is your understanding 7        of Actavis responsibilities under federal 8        law with respect to the control of the 9        supply chain of opioids? 10          A. I mean in short, the way I 11        would describe it is we were tasked and 12        our responsibility was to design and 13        operate a system that would detect, 14        manage, and monitor suspicious orders. 15        Detect -- design and operate a system. 16        It's a short description. 17          Q. And so are you aware of -- 18        you already say that you're familiar with 19        the Controlled Substances Act? 20          A. Mm-hmm. 21          Q. Is Actavis registered as -- 22        is or was during your time, Actavis 23        registered as a manufacturer under the 24        Controlled Substances Act?</p>	<p style="text-align: center;">Page 174</p> <p>1           A. Yes, we were a manufacturer. 2           Q. Okay. So during your time 3        at Actavis, was the company required, by 4        the Controlled Substances Act, to provide 5        effective controls and procedures to 6        guard against diversion and theft of 7        controlled substances? 8           A. Yes. 9           Q. During your time at Actavis, 10        was the company required by the 11        Controlled Substances Act to report 12        suspicious orders of controlled 13        substances to the Drug Enforcement 14        Administration? 15          A. Yes. 16          Q. During your time at Actavis 17        were you aware of the Controlled 18        Substances Act reference to the 19        importance of a closed system? 20          A. You know, I -- I remember 21        that terminology. Closed system. But 22        I'm trying to remember how it was used. 23           It read right in the 24        regulation, the closed system, but I'm</p>
<p style="text-align: center;">Page 175</p> <p>1        sorry, it's been so long. I forgot how 2        that terminology was used, the closed 3        part of it. 4           Q. Do you understand that the 5        purpose of the Controlled Substances Act 6        is to prevent the diversion of controlled 7        substances -- 8           A. Yes. 9           Q. -- for -- okay. 10          I'm going to introduce 11        another record, another document into the 12        record. It's -- 13          THE VIDEOGRAPHER: I have to 14        change -- 15          MS. ANTULLIS: Okay. 16          MS. LEVY: Let's also have a 17        restroom break if it's a 18        convenient time. 19          THE VIDEOGRAPHER: The time 20        is 11:52 a m. Going off the 21        record. 22           (Short break.) 23          THE VIDEOGRAPHER: Okay. We 24        are back on the record. The time</p>	<p style="text-align: center;">Page 176</p> <p>1        is 12:03 p.m. 2           BY MS. ANTULLIS: 3           Q. I was going to give you an 4        exhibit. While I'm looking for my 5        exhibit, can you tell me if you ever 6        participated in any working group, 7        internal working group at Actavis to 8        discuss -- internal working group at 9        Actavis involving the suspicious order 10       monitoring program? 11          A. Yes. 12          Q. Okay. And do you know when 13        that working group -- when did you join 14        that working group? 15          A. It was in the same -- around 16        the same time I took on the initiative to 17        enhance our processes. So sometime 18        spring, late spring of 2011 maybe. 19          Q. And did that working group 20        exist prior to your joining it? 21          A. I couldn't answer that 22        question, because I wasn't involved, so I 23        don't know. 24          Q. Who were the members of the</p>

<p style="text-align: center;">Page 177</p> <p>1 working group while you were on it?</p> <p>2 A. Yeah, so I can name some</p> <p>3 that I recall.</p> <p>4 It's not necessarily going</p> <p>5 to be all inclusive. But first and</p> <p>6 foremost, there was a steering committee,</p> <p>7 senior executives that were driving the</p> <p>8 importance of this initiative down into</p> <p>9 the organization.</p> <p>10 And I know my boss, Michael</p> <p>11 Perfetto was one of those on the steering</p> <p>12 committee. And I believe there were,</p> <p>13 like, one or two others. I'm not sure</p> <p>14 exactly who it was. It may have been our</p> <p>15 lawyer, Michael Clark. I'm not certain</p> <p>16 of that. But we had a steering committee</p> <p>17 nonetheless.</p> <p>18 And then we had legal</p> <p>19 participation to help us through and make</p> <p>20 sure we were interpreting the regulations</p> <p>21 and the guidelines properly.</p> <p>22 We had our security person,</p> <p>23 our DEA contact. She is not from the</p> <p>24 DEA. She actually had a history, I</p>	<p style="text-align: center;">Page 178</p> <p>1 think, working in the DEA. But she was</p> <p>2 in our security group. If we needed to</p> <p>3 make contact with the DEA for any reason,</p> <p>4 she was the point person. It wouldn't be</p> <p>5 me calling them.</p> <p>6 And then -- you know, then</p> <p>7 you had, like, groups like mine in the</p> <p>8 middle that were executing the processes.</p> <p>9 So it wasn't a fairly wide group, but</p> <p>10 there was representation from the key</p> <p>11 areas.</p> <p>12 Q. And, so you testified that</p> <p>13 there was a steering committee and that</p> <p>14 Michael Perfetto was on the steering</p> <p>15 committee.</p> <p>16 Was the steering committee a</p> <p>17 part of the internal working group?</p> <p>18 A. I wouldn't say they were a</p> <p>19 part of the working group. We had to</p> <p>20 report back to them, so they knew it was</p> <p>21 done.</p> <p>22 Q. Okay. So it's a separate</p> <p>23 group from the working group; is that</p> <p>24 correct?</p>
<p style="text-align: center;">Page 179</p> <p>1 A. Yeah. They sat on the top.</p> <p>2 And they pushed down to make sure we were</p> <p>3 doing what we were supposed to. But they</p> <p>4 weren't involved in the details in terms</p> <p>5 of, you know, designing, right. We were</p> <p>6 accountable to them.</p> <p>7 Q. Do you remember the members</p> <p>8 of the actual working group?</p> <p>9 A. Once again, I'll name a few</p> <p>10 that I remember, because they were, you</p> <p>11 know, instrumental in our success. But I</p> <p>12 will go on record saying that there may</p> <p>13 be someone I'm going to miss because it's</p> <p>14 been seven years.</p> <p>15 So Rachelle Galant was</p> <p>16 instrumental from marketing. She was the</p> <p>17 person that really helped us drive this</p> <p>18 indirect initiative. And of course</p> <p>19 because she was involved, Jinping</p> <p>20 McCormick supported and gave input as</p> <p>21 well. Umesh Solanki was our IT person</p> <p>22 that took the solution that was built by</p> <p>23 the consultant we hired. And he was</p> <p>24 responsible for integrating that into our</p>	<p style="text-align: center;">Page 180</p> <p>1 systems.</p> <p>2 He had a person named Wansun</p> <p>3 Park, I think it was. And Wansun, I</p> <p>4 don't even know if he was an employee.</p> <p>5 He may have been a consultant. But he</p> <p>6 partnered with Umesh. The two of them</p> <p>7 were really instrumental in taking the</p> <p>8 solution that was turned over to us and</p> <p>9 implementing it.</p> <p>10 I'm trying to think who</p> <p>11 else.</p> <p>12 So John Duff was on the</p> <p>13 legal staff. And he was a really</p> <p>14 valuable resource to us. And off the top</p> <p>15 of my head, those are some of the people</p> <p>16 that were key.</p> <p>17 Q. Do you remember if Michael</p> <p>18 Clark was a member of the working group?</p> <p>19 A. Yeah. Yeah, I think I</p> <p>20 mentioned him earlier.</p> <p>21 Q. Right. I just wanted to</p> <p>22 clarify. Was there -- do you recall if</p> <p>23 there was an industry working group</p> <p>24 external to Actavis relating to</p>

<p style="text-align: right;">Page 181</p> <p>1        suspicious order monitoring?</p> <p>2            A. Not that I'm aware of.</p> <p>3            Q. So I'm going to give you</p> <p>4        what we're marking as Exhibit 6.</p> <p>5            (Document marked for</p> <p>6        identification as Exhibit</p> <p>7        Baran-6.)</p> <p>8            MS. ANTULLIS: It's</p> <p>9        ALLERGAN_MDL_03525593.</p> <p>10          THE WITNESS: Thank you.</p> <p>11          Yes.</p> <p>12          BY MS. ANTULLIS:</p> <p>13          Q. This appears to be -- first</p> <p>14        of all, do you recognize this document,</p> <p>15        this e-mail?</p> <p>16          A. Yes.</p> <p>17          Q. Do you recognize the e-mail?</p> <p>18          A. I don't recognize the</p> <p>19        e-mail.</p> <p>20          Q. Do you remember sending this</p> <p>21        letter -- the attached letter to Michael</p> <p>22        Clark in or around September of 2012?</p> <p>23          A. I don't recall, but I'm not</p> <p>24        saying that I didn't.</p>	<p style="text-align: right;">Page 182</p> <p>1            Q. Do you know -- is this</p> <p>2        something that you would have done in the</p> <p>3        normal course of business?</p> <p>4            A. Sure. He may have needed a</p> <p>5        copy and didn't have it at the time.</p> <p>6            Q. Do you have any reason to</p> <p>7        believe that this was not an e-mail from</p> <p>8        you to Michael Clark?</p> <p>9          A. No.</p> <p>10          Q. So let's -- yes, please flip</p> <p>11        to the attachment, which I see you've</p> <p>12        already done. Do you recognize this</p> <p>13        attached letter?</p> <p>14          A. Yes, I do.</p> <p>15          Q. Do you recall when the first</p> <p>16        time -- do you recall when you first saw</p> <p>17        this letter?</p> <p>18          A. I've read it so many times</p> <p>19        on different occasions, but I don't</p> <p>20        recall when the first time would have</p> <p>21        been. I don't even know if I could</p> <p>22        guess.</p> <p>23          Q. Do you recall if it was</p> <p>24        prior to September of 2012?</p>
<p style="text-align: right;">Page 183</p> <p>1            A. Oh, I imagine so. But I</p> <p>2        don't recall the date.</p> <p>3            Q. Do you remember reading this</p> <p>4        letter during your initiation process</p> <p>5        when you were initially hired?</p> <p>6            A. I am -- would venture to</p> <p>7        guess, yes. It was at that time that</p> <p>8        I -- like I said, I've seen it on more</p> <p>9        than one occasion. So I would -- I can't</p> <p>10        be certain that I read it at that exact</p> <p>11        time of the initiation. But it wouldn't</p> <p>12        be outside of a realm of possibility</p> <p>13        because it's -- yeah.</p> <p>14          Q. When you sent -- you sent</p> <p>15        this letter to Michael Clark in September</p> <p>16        of 2012. Where would you have -- what</p> <p>17        system or database or file would you have</p> <p>18        gone to at Actavis to find this letter?</p> <p>19        Would it have been in your own files?</p> <p>20          A. It could have been. I'm not</p> <p>21        sure where I would have gotten it from.</p> <p>22        I may have had it for a year or I may</p> <p>23        have just gotten it the day before and</p> <p>24        forwarded it. I don't know.</p>	<p style="text-align: right;">Page 184</p> <p>1            Q. Are you familiar with the</p> <p>2        contents of this letter?</p> <p>3            A. Definitely familiar with it.</p> <p>4        I'm going to admittedly say I'm rusty. I</p> <p>5        haven't even been working for two years.</p> <p>6        My brain is probably not going to be able</p> <p>7        to talk to it very much. But yes, I'm</p> <p>8        familiar with the fact that this letter</p> <p>9        from 2007 existed.</p> <p>10          Q. Were you familiar with the</p> <p>11        contents of this letter during your</p> <p>12        employment at Actavis?</p> <p>13          A. Yes.</p> <p>14          Q. So in the -- in the second</p> <p>15        full paragraph -- well, first of all</p> <p>16        let's establish. Is this a letter from</p> <p>17        the Department of Justice to Actavis? Is</p> <p>18        that your understanding of what this is?</p> <p>19          A. To Actavis? I don't know if</p> <p>20        I could say that. It could be something</p> <p>21        that all manufacturers got. I don't -- I</p> <p>22        don't know that. I mean, was it</p> <p>23        specifically sent to Actavis or was it</p> <p>24        more broadly distributed? I don't know</p>

<p style="text-align: right;">Page 185</p> <p>1 at this time.</p> <p>2 Q. So was the letter sent to</p> <p>3 Actavis?</p> <p>4 A. Well, somehow we got it, but</p> <p>5 I can't say seven years later how that</p> <p>6 happened. I don't remember.</p> <p>7 Q. Okay. Are you -- is it your</p> <p>8 understanding that Actavis -- is it your</p> <p>9 understanding that the guidelines</p> <p>10 provided in this letter are applicable to</p> <p>11 Actavis's suspicious order monitoring</p> <p>12 program?</p> <p>13 A. Sure. We were maintaining</p> <p>14 systems to detect suspicious order. And</p> <p>15 that's what this speaks to. I mean, I</p> <p>16 haven't read this in years. And I can</p> <p>17 read it in detail if you want to ask me</p> <p>18 specific questions on the letter.</p> <p>19 Q. Sure. Let's go to the</p> <p>20 second paragraph. It says, first</p> <p>21 sentence, and we've already discussed</p> <p>22 this, "In addition to, and not in lieu of</p> <p>23 the general requirement under 21 U.S.C.</p> <p>24 823 that manufactures and distributors</p>	<p style="text-align: right;">Page 186</p> <p>1 maintain effective controls against</p> <p>2 diversion, DEA regulations require all</p> <p>3 manufacturers and distributors to report</p> <p>4 suspicious orders of controlled</p> <p>5 substances."</p> <p>6 Did you understand that to</p> <p>7 be a requirement that Actavis was bound</p> <p>8 to follow?</p> <p>9 A. Yes.</p> <p>10 Q. Second sentence, "DEA" --</p> <p>11 excuse me.</p> <p>12 "Title 21 C.F.R. 1301.74(b)</p> <p>13 specifically requires that a registrant</p> <p>14 design and operate a system to disclose</p> <p>15 to the registrant suspicious orders of</p> <p>16 controlled substances."</p> <p>17 Was it your understanding</p> <p>18 that that was a requirement that Actavis</p> <p>19 was bound to follow?</p> <p>20 A. Yes. That was my</p> <p>21 understanding.</p> <p>22 Q. It says the next page -- two</p> <p>23 sentences later, it says, "Accordingly</p> <p>24 the DEA does not approve or otherwise</p>
<p style="text-align: right;">Page 187</p> <p>1 endorse any specific system for reporting</p> <p>2 suspicious orders."</p> <p>3 A. Yes. I definitely recall</p> <p>4 that.</p> <p>5 Q. Okay. So did you understand</p> <p>6 that to be the case, that the DEA would</p> <p>7 not endorse a system?</p> <p>8 A. Yes. Because, you know, I</p> <p>9 can't speak for any other manufacturers,</p> <p>10 I don't know what they did. But we were</p> <p>11 always looking and striving to be better</p> <p>12 and to get validation and they were not</p> <p>13 willing -- you know, we were looking for</p> <p>14 that stamp of approval.</p> <p>15 Listen. Look at what we're</p> <p>16 doing, here is what we're doing. If</p> <p>17 there's something we're missing,</p> <p>18 something that we need to do differently,</p> <p>19 let us know. Give us your validation</p> <p>20 that this is what you mean in this vague</p> <p>21 letter of yours. And they were not</p> <p>22 willing to do that.</p> <p>23 Q. Okay. You used the word</p> <p>24 "vague," you said vague letter. Do you</p>	<p style="text-align: right;">Page 188</p> <p>1 feel -- was it your belief while you were</p> <p>2 working at Actavis that the requirements</p> <p>3 of the CSA were vague?</p> <p>4 A. I -- I believe that the</p> <p>5 direction from the DEA was vague.</p> <p>6 Q. Is it your understanding while you were at</p> <p>7 Actavis that the requirements of the</p> <p>8 Controlled Substance Act were vague?</p> <p>9 A. Say that, I'm sorry, one</p> <p>10 more time.</p> <p>11 Q. So I'm asking about the</p> <p>12 Controlled Substances Act, not the --</p> <p>13 A. The act, okay.</p> <p>14 Q. -- not the letter. Okay.</p> <p>15 Per se. I'm asking specifically about</p> <p>16 the Controlled Substance Act.</p> <p>17 Was it your understanding</p> <p>18 that while you were at Actavis that the</p> <p>19 requirements of the Controlled Substance</p> <p>20 Act to -- to prevent diversion were</p> <p>21 vague?</p> <p>22 A. I think they -- I would -- I</p> <p>23 would define that as vague. I mean,</p>

<p style="text-align: center;">Page 189</p> <p>1 yeah. I would -- I would say yes.</p> <p>2 Q. Was it your understanding</p> <p>3 while you were at Actavis that the --</p> <p>4 that the parameters of a -- the</p> <p>5 criteria -- was it your understanding</p> <p>6 while you were at Actavis that the</p> <p>7 criteria for a quote-unquote successful</p> <p>8 suspicious order monitoring program were</p> <p>9 vague?</p> <p>10 A. That's correct. I mean, the</p> <p>11 DEA never came out and said here is</p> <p>12 exactly what you need to do. They said,</p> <p>13 here is what you need to do, up here. So</p> <p>14 yes, vague is a good description.</p> <p>15 Q. And I'm going to continue</p> <p>16 down on the letter. I'm going to go to</p> <p>17 the third paragraph which you can read.</p> <p>18 A. Yes.</p> <p>19 Q. Okay. So the first sentence</p> <p>20 says, "The regulation requires" -- "also</p> <p>21 requires that the registrant inform the</p> <p>22 local DEA division office of suspicious</p> <p>23 orders when discovered by the</p> <p>24 registrant."</p>	<p style="text-align: center;">Page 190</p> <p>1 Is it your understanding</p> <p>2 that that was a -- a requirement that</p> <p>3 Actavis was bound to follow?</p> <p>4 A. Absolutely.</p> <p>5 Q. Was it your -- what was your</p> <p>6 understanding of the term "when</p> <p>7 discovered" while you were working at</p> <p>8 Actavis?</p> <p>9 A. So "when discovered," the</p> <p>10 way I would define that is not an order</p> <p>11 of interest. DEA doesn't want five</p> <p>12 reports a day with a bunch of orders on</p> <p>13 it. That definition is an order that</p> <p>14 would be deemed suspicious. We've looked</p> <p>15 at it. We can't make sense of it.</p> <p>16 There's no rhyme or reason. Something</p> <p>17 doesn't smell right. That to me would --</p> <p>18 would be this definition. One -- an</p> <p>19 order that we would cancel in its</p> <p>20 entirety.</p> <p>21 Q. Was there a time frame in</p> <p>22 which you had to provide a suspicious</p> <p>23 order report to the DEA?</p> <p>24 A. I don't -- I don't recall</p>
<p style="text-align: center;">Page 191</p> <p>1 that. And that wasn't my responsibility.</p> <p>2 I didn't have the communication with</p> <p>3 them, so I don't know if there was a</p> <p>4 specific time frame.</p> <p>5 Q. So in the third -- third</p> <p>6 paragraph it says, "The regulation</p> <p>7 specifically states that suspicious</p> <p>8 orders include orders of an unusual size,</p> <p>9 orders deviating substantially from a</p> <p>10 normal pattern, and orders of an unusual</p> <p>11 frequency."</p> <p>12 Is it your understanding</p> <p>13 that -- are the -- the three</p> <p>14 prongs that are laid out there, are those</p> <p>15 three prongs consistent with your</p> <p>16 understanding of what criteria go into</p> <p>17 determining whether an order is</p> <p>18 suspicious or not?</p> <p>19 A. Absolutely.</p> <p>20 Q. Do you understand that --</p> <p>21 those criteria to be disjunctive?</p> <p>22 A. Disjunctive, can you</p> <p>23 describe disjunctive?</p> <p>24 Q. Well, let's read the next</p>	<p style="text-align: center;">Page 192</p> <p>1 sentence. It says, "These criteria are</p> <p>2 disjunctive and are not all-inclusive."</p> <p>3 MS. LEVY: Do you have a</p> <p>4 question?</p> <p>5 MS. ANTULLIS: Yes.</p> <p>6 BY MS. ANTULLIS:</p> <p>7 Q. So what is your</p> <p>8 understanding of "disjunctive" and "not</p> <p>9 all-inclusive"?</p> <p>10 A. To me, the way I would</p> <p>11 describe that is that doesn't mean that's</p> <p>12 all you have to do, right. You still</p> <p>13 have to be a responsible manufacturer.</p> <p>14 You still have to know who you are</p> <p>15 selling to. Are they properly licensed.</p> <p>16 Do they have the right vault storage, you</p> <p>17 know. Are they selling -- you know, is</p> <p>18 someone coming to you and buying</p> <p>19 99 percent controlled drugs only. You</p> <p>20 know, you still have to have other areas</p> <p>21 of responsibility, not -- not just</p> <p>22 limited to those three things. That's</p> <p>23 how I would describe that.</p> <p>24 Q. In 2012 you describe -- I'm</p>

<p style="text-align: right;">Page 193</p> <p>1 sorry. Forgive me.</p> <p>2 In 2011 you said you began a</p> <p>3 project to enhance the suspicious order</p> <p>4 monitoring policies and procedures at</p> <p>5 Actavis; is that correct?</p> <p>6 A. That's correct.</p> <p>7 Q. When you instituted --</p> <p>8 what -- as part of the -- as part of that</p> <p>9 project, did you look at those</p> <p>10 requirements and try to determine how to</p> <p>11 capture them through your -- how to</p> <p>12 analyze them through your suspicious</p> <p>13 order monitoring investigation?</p> <p>14 A. Absolutely. There were key</p> <p>15 components.</p> <p>16 Q. Okay. Did you change the</p> <p>17 way that you applied those criteria?</p> <p>18 A. Yes, because we had a</p> <p>19 brand-new algorithm that was built, and</p> <p>20 yeah, I would say yes.</p> <p>21 Q. Okay. So without getting</p> <p>22 into the details of the algorithm right</p> <p>23 now. We will address that later. But</p> <p>24 what is your understanding as to how</p>	<p style="text-align: right;">Page 194</p> <p>1 Actavis's evaluation of those criteria</p> <p>2 changed?</p> <p>3 A. Well, first of all, in terms</p> <p>4 of how it changed, it made it more</p> <p>5 automated and -- I'm not sure I</p> <p>6 understand the question. Can you</p> <p>7 redefine the question?</p> <p>8 Q. So yeah, sure. So I asked</p> <p>9 you previously whether Actavis changed</p> <p>10 the way it analyzed and -- and applied</p> <p>11 the criteria listed here following the</p> <p>12 2011 project enhancement that you</p> <p>13 testified about earlier. And I believe,</p> <p>14 correct me if I'm wrong, but I believe</p> <p>15 you said yes, that it did change.</p> <p>16 A. Yes. Or it wouldn't have</p> <p>17 been able to --</p> <p>18 Q. I'm trying to ascertain what</p> <p>19 that change was.</p> <p>20 A. So what the change was after</p> <p>21 the project. We made sure there was</p> <p>22 equal attention to the different</p> <p>23 attributes, right, it wasn't just based</p> <p>24 on historical purchases. You know, we</p>
<p style="text-align: right;">Page 195</p> <p>1 were -- the -- the algorithm captured</p> <p>2 and -- and had a score -- first of all,</p> <p>3 the algorithm is this formulaic equation</p> <p>4 that's this long. And I certainly can't</p> <p>5 speak to that. But there are documents</p> <p>6 that should be on record that -- that</p> <p>7 can.</p> <p>8 And basically it just -- it</p> <p>9 took all the different attributes and</p> <p>10 weighted them and gave an order, a score,</p> <p>11 kind of like matching it up to what the</p> <p>12 DEA is -- is looking for. And if it --</p> <p>13 if it didn't meet the score it should, it</p> <p>14 would spit out as -- as an order of</p> <p>15 interest.</p> <p>16 To answer your question, I</p> <p>17 think more accurately, on like some of</p> <p>18 the changes. You know, the original</p> <p>19 report, it gave us some level of detail</p> <p>20 on where to start our investigation, but</p> <p>21 it was a little bit more legwork.</p> <p>22 You had to kind of figure</p> <p>23 out like, why is this coming on here, you</p> <p>24 know. There was some level of detail,</p>	<p style="text-align: right;">Page 196</p> <p>1 like it's a first-time customer, and all</p> <p>2 that. But the new process gave us a lot</p> <p>3 more clarity on why it was failing, you</p> <p>4 know, what aspects. And it could be one</p> <p>5 or it could be several. And it really</p> <p>6 just aided in our investigation and made</p> <p>7 it a more efficient process, if that</p> <p>8 answers your question.</p> <p>9 Q. Well, that's a lot of useful</p> <p>10 information, and I do appreciate it. But</p> <p>11 I think I may not be asking the question</p> <p>12 very clearly, so I'm going to try again.</p> <p>13 I am trying to determine</p> <p>14 whether Actavis's understanding of those</p> <p>15 requirements changed over time while you</p> <p>16 were at the company.</p> <p>17 So did their understanding</p> <p>18 of a suspicious order change over time?</p> <p>19 A. Did their understanding of a</p> <p>20 suspicious order -- I don't believe so,</p> <p>21 because I mean I feel strongly we were</p> <p>22 doing it right all along. We just</p> <p>23 weren't doing -- we weren't operating</p> <p>24 smart. You know what I mean?</p>

<p style="text-align: center;">Page 197</p> <p>1       Q. When you -- when you began 2       the new enhancement project in 2011, and 3       through 2012, did you seek guidance from 4       anyone on the requirements of a -- a -- 5       you know, a suspicious order monitoring 6       program?</p> <p>7       A. Absolutely. So when you --</p> <p>8       Q. Who did you -- let me --</p> <p>9       A. Yeah, go ahead.</p> <p>10      Q. Who did you reach out to for 11       guidance on what would -- what would 12       constitute a successful program?</p> <p>13      A. So, a little background. I 14       mean 25 years leading customer service 15       teams doesn't automatically make me an 16       expert implementing and driving projects 17       of this nature.</p> <p>18       So, you don't start out as a 19       subject matter expert. But your goal is 20       you need to make yourself one. And the 21       only way you can do that is by doing what 22       you just said, seeking guidance and 23       counsel from others.</p> <p>24       So the answer is absolutely</p>	<p style="text-align: center;">Page 198</p> <p>1       yes. In terms of who, I mean I'll give 2       you examples. You know, our attorneys, 3       John Duff, Michael Clark. You know, as I 4       stated earlier, I -- I started this 5       process, you know, looking at what a 6       C.F.R. was, and, you know, I'm pretty 7       proud of -- of where I took our company. 8       I didn't do it alone. You know, if you 9       look at any of the documents that I'm 10       sure are out there somewhere, I had 11       really knowledgeable people supporting 12       this process. And I would never have 13       been able to do it alone so...</p> <p>14      Q. Did you ever engage an 15       outside consultant to help you --</p> <p>16      A. Yes.</p> <p>17      Q. -- design a new suspicious 18       order monitoring --</p> <p>19      A. Absolutely. We strived to 20       seek and find the best.</p> <p>21      Q. And who was or were those 22       outside consultants?</p> <p>23      A. Cegedim. I believe their 24       full name was Cegedim Compliance</p>
<p style="text-align: center;">Page 199</p> <p>1       Solutions.</p> <p>2       Q. And were there any other 3       outside consultants besides Cegedim?</p> <p>4       A. Not that I recall.</p> <p>5       Q. When did you hire Cegedim?</p> <p>6       A. Best way to answer that 7       would -- I'm sure that our contract and 8       service agreement is on file somewhere. 9       And that would outline that rather than 10       me making a guess on dates. I don't 11       recall the dates. But there is a service 12       agreement and contract with them 13       outlining what they were doing for us.</p> <p>14       Q. Okay. Let's go back to the 15       letter. On the second page, first full 16       paragraph.</p> <p>17       A. First paragraph.</p> <p>18       Q. The first sentence says, 19       "Registrants that rely on rigid formulas 20       to define whether an order is suspicious 21       may be failing to detect suspicious 22       orders."</p> <p>23       First was it your 24       understanding that Actavis was bound by</p>	<p style="text-align: center;">Page 200</p> <p>1       that -- that statement during your time 2       there?</p> <p>3       A. Yes.</p> <p>4       Q. What is your understanding 5       of what a rigid formula is?</p> <p>6       A. I guess the way I would 7       describe it is looking hard and fast at 8       very specific set of data, and the way -- 9       the example that I know they provided, 10       and I think it's in this paragraph 11       somewhere, is you know, just comparing 12       purchases from today to yesterday or 13       today to last month. That would be very 14       rigid. That would be my description.</p> <p>15       Q. Okay. What did Actavis do 16       to comply with the guidance provided in 17       this letter?</p> <p>18       A. So I would never consider -- 19       our solution was not rigid, for sure.</p> <p>20       I could be wrong. I mean 21       there's documents that would support it 22       somewhere. I'm 95 percent sure we were 23       using six months of rolling history. So 24       we were looking at history over time.</p>

<p style="text-align: center;">Page 201</p> <p>1 Q. Were you looking at that 2 history over time in 2008? 3 A. Yes. 4 Q. Okay. 5 A. Yeah. Yeah. 6 Q. So I'd like to go back to an 7 earlier exhibit that we looked at, if I 8 can find it. 9 A. So can I -- can I clarify 10 something? 11 Q. Sure. 12 A. I don't even know if I was 13 employed in 2008. Well, when did I 14 start? January 2008. So yes. Based on 15 that answer, I don't take it back. I 16 thought that was before I started. I 17 don't think it was any different. But... 18 Q. We are going back to -- I 19 believe it's Exhibit Number 4, but I 20 could be wrong, because I have been 21 failing to mark my exhibits. 22 MS. LEVY: Going back to 4. 23 MS. ANTULLIS: So sorry. 24 BY MS. ANTULLIS:</p>	<p style="text-align: center;">Page 202</p> <p>1 Q. Yeah, it's the 8/18/2009 2 e-mail. 3 A. Not the performance review? 4 Q. No. Is it Number 5? Is it 5 three? 6 A. It's hiding under there. 7 Sorry. Got it. 8 Q. Okay. So again, I'm trying 9 to understand the criteria that are 10 listed in bullet points as they apply to 11 Actavis's suspicious order monitoring 12 program in 2009, this particular e-mail 13 is written. It appears to state that if 14 the amount ordered by the customer is 15 over a certain percentage -- is a certain 16 percentage over the customer's rolling 17 average then it shows up on the report; 18 is that correct? Is that a correct 19 understanding? 20 A. I believe -- I believe so, 21 yes. 22 Q. Okay. So you have a method 23 for determining a six-month average, 24 customer average, correct, average order?</p>
<p style="text-align: center;">Page 203</p> <p>1 A. Yes. 2 Q. And then if an order is 3 placed that's above -- a certain 4 percentage above that average, it's 5 flagged in the system as an order of 6 interest; is that correct? 7 A. Yes. 8 Q. Okay. And then what steps 9 do you take -- did you take in 2009 to 10 determine whether that order of interest 11 was in fact suspicious? 12 A. So -- 13 Q. Let me take that back. What 14 criteria then did you look at? 15 Did you -- how did you 16 apply -- did you apply the guidance in 17 the 2007 letter to evaluating whether or 18 not an order of interest was suspicious? 19 MS. LEVY: Object to the 20 form. You can answer. 21 THE WITNESS: Okay. I think 22 this is similar to the question we 23 discussed earlier today. And we 24 looked at our process involved,</p>	<p style="text-align: center;">Page 204</p> <p>1 looked at -- every order wasn't 2 the same. It looked at a number 3 of things, and I don't have any 4 kind of documentation to review or 5 to speak to. But we had steps we 6 would take. 7 You know, is it a new 8 customer? Is it a new product 9 award? Is it a new product 10 launch? Is there something going 11 on in the market? There were four 12 manufacturers and something 13 happened, and one dropped out, so 14 of course you're going to see 15 increased demand. 16 You know, anything that 17 would have any logical explanation 18 to driving that. 19 And we would have to use 20 different resources to, you 21 know -- we didn't necessarily know 22 what was going on in the market. 23 We would have to consult different 24 groups to make sure that we were</p>

<p style="text-align: center;">Page 205</p> <p>1        informed in every decision.      2              But every -- every      3        investigation may have taken a      4        different route depending on the      5        circumstances.</p> <p>6 BY MS. ANTULLIS:</p> <p>7        Q. Once you decided that an      8        order was not -- that an order of      9        interest was not suspicious under the      10       criteria that you were applying, who at      11       Actavis had the authority to -- to      12       authorize -- had the authority to release      13       a pended order?</p> <p>14       A. Okay. So nobody outside of      15       the customer service group had security      16       and that should be in some kind of      17       security document somewhere. You      18       couldn't have other groups that could go      19       in and release an order.</p> <p>20       Q. Did you have a compliance      21       group at Actavis?</p> <p>22       A. We had our legal/compliance.      23       But they didn't have access to release      24       anything either.</p>	<p style="text-align: center;">Page 206</p> <p>1        Can I go back to an earlier      2        question, because that triggers a      3        thought. You said what are some of the      4        new -- new things that you did in the new      5        enhancements.</p> <p>6              The -- I hear buzzing.      7              In the new process,      8        everything was online and electronic.      9        There was no paper copies. If you      10       reviewed an order, your comments on your      11       investigation, what made you decide to      12       release that order were typed within the      13       system. It had a -- what is the proper      14       word? -- document flow like it would      15       track who did what. There's a term for      16       that. I'm just not thinking of it. You      17       can see at a given time, who released an      18       order, when and why. That was an example      19       of some of the benefits of our      20       improvements.</p> <p>21       Q. And prior to the improvement      22       was there a system to track who released      23       an order and why?</p> <p>24       A. Behind the scenes, the IT</p>
<p style="text-align: center;">Page 207</p> <p>1        group could see who touched it, you know,      2        from that standpoint, yes. But you      3        didn't have that documented workflow      4        electronically, like with the comments      5        and all that, no.</p> <p>6        Q. So when you -- when you      7        conducted an investigation prior to the      8        enhancements, when you conducted an      9        investigation, were there particular      10       documents that you had to fill out?</p> <p>11       A. No, there were no documents.</p> <p>12       Q. Did you document the      13       investigation in any way?</p> <p>14       A. Yeah, and a lot of them      15       there were simplistic. Documentation may      16       have been like a few words. Some of them      17       were more complex depending on what the      18       investigation entailed.</p> <p>19       But that would be documented      20       on the report that was generated.</p> <p>21       Q. When you say the report that      22       was generated, are you talking about the      23       suspicious order report?</p> <p>24       A. Yes.</p>	<p style="text-align: center;">Page 208</p> <p>1        Q. Were those reports with your      2        handwritten documentation?</p> <p>3        A. Yes.</p> <p>4        Q. Is that right? Were those      5        reports with your handwritten      6        documentation in storage somewhere?</p> <p>7        A. They were -- they were paper      8        filed.</p> <p>9        Q. Do you know where the paper      10       files were located?</p> <p>11       A. Within the corporate      12       documentation within customer service.</p> <p>13       Q. Do you know who maintained      14       those paper files?</p> <p>15       A. We did. I don't know for      16       what time period. You know, every      17       document had certain time they had to be      18       stored. And I don't know -- to be      19       honest, I don't recall.</p> <p>20       Q. Do you remember if every      21       investigation was documented?</p> <p>22       A. Like I said earlier, if you      23       had a report and you're releasing orders,      24       if you would look -- if you would look at</p>

<p style="text-align: right;">Page 209</p> <p>1 a line on the report, and it said 2 first-time buy, you couldn't just accept 3 that for what it was. You would look at 4 it, you would research, you investigate, 5 you see we have a new contract. Yes, 6 boom.</p> <p>7 Well, given that, you know, 8 you did all the validation of what the 9 report was saying, but I'll be honest 10 with you, you didn't go in the report and 11 write an essay, well, I ran a report, I 12 verified. You know, there was not a lot 13 of -- we didn't write down more than we 14 needed to.</p> <p>15 Q. Following the -- and is 16 "enhancement" the word that you use to 17 refer to the project in 2011 and 2012 to 18 change the suspicious order monitoring 19 program?</p> <p>20 A. I would definitely call it 21 an enhancement. We were making it bigger 22 and better.</p> <p>23 Q. I'm just making sure I'm 24 using your terminology.</p>	<p style="text-align: right;">Page 210</p> <p>1 A. Yes. 2 Q. Following the suspicious 3 order monitoring enhancement, were 4 investigation files electronically filed? 5 A. Yes. Absolutely. 6 Q. Were there more formulaic 7 investigatory documents? Were there -- 8 were there forms that had to be filled 9 out in conducting an investigation of an 10 order of interest prior -- post 2011? 11 A. I don't recall forms, no. 12 Q. What -- what requirements 13 were there for documentation related to a 14 suspicious order? 15 A. There had to be an 16 explanation as to what conclusion that 17 person came to and what led them to 18 release the order. 19 Q. And when is the last time 20 you saw any of your -- your own 21 handwritten investigation notes? 22 A. I've been gone there 23 seven -- a long time. 24 Q. Okay. Do you recall the</p>
<p style="text-align: right;">Page 211</p> <p>1 last time you saw your handwritten notes? 2 A. Years. I don't know. My 3 handwritten notes? 4 Q. Mm-hmm. 5 A. No, I don't. 6 Q. Were there written 7 guidelines on what had to be recorded 8 when you were investigating an order of 9 interest prior to 2011? 10 A. Written guidelines prior to 11 2011, there could have been, but not that 12 I recall. 13 Q. Were there written 14 guidelines on what you had to record post 15 2011? 16 A. I'm -- I haven't read it 17 in -- in seven years, but I have to 18 imagine we would have been pretty 19 thorough and that would have been in our 20 SOP. But I could be wrong. I haven't 21 seen the SOP in seven years so... 22 Q. Okay. 23 A. We did have a process, it 24 was pretty thorough.</p>	<p style="text-align: right;">Page 212</p> <p>1 Q. So what would you say were 2 your, for lack of a better term, what 3 were the -- what were the pillars of your 4 role at Actavis? 5 MR. LUXTON: Objection to 6 form. 7 BY MS. ANTULLIS: 8 Q. Let me ask it a different 9 way. What were your goals while you 10 worked at Actavis? 11 A. My goals? 12 Q. Yeah, what were your -- what 13 were your -- your -- 14 A. There was many goals -- 15 MS. LEVY: Hang on. Let her 16 finish her question. 17 BY MS. ANTULLIS: 18 Q. Was customer satisfaction 19 one of your goals? 20 A. Sure. 21 Q. Was compliance with federal 22 regulations one of your goals? 23 A. Absolutely. 24 Q. Was streamlining systems</p>

<p style="text-align: right;">Page 213</p> <p>1 part of your goals?</p> <p>2 A. Absolutely.</p> <p>3 Q. Was creating collaboration,</p> <p>4 cooperation among the teams part -- part</p> <p>5 of your goals?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. Was making processes</p> <p>8 faster and more effective part of your</p> <p>9 goals?</p> <p>10 A. More effective and certainly</p> <p>11 faster, but not, you know, risking</p> <p>12 accuracy certainly. I don't like the</p> <p>13 word faster.</p> <p>14 Q. Okay.</p> <p>15 A. Efficient? And accurate.</p> <p>16 Q. All right. More</p> <p>17 efficient --</p> <p>18 A. Yeah, I don't like the word</p> <p>19 faster.</p> <p>20 Q. I -- I don't want to put</p> <p>21 words in your mouth, so...</p> <p>22 A. Yeah. Less manual.</p> <p>23 Q. Okay. Did you ever -- did</p> <p>24 you ever feel difficulty -- did you ever</p>	<p style="text-align: right;">Page 214</p> <p>1 feel any tension in balancing those</p> <p>2 goals?</p> <p>3 A. No.</p> <p>4 Q. Did you ever feel like any</p> <p>5 of your goals were in conflict with --</p> <p>6 with each other?</p> <p>7 A. No.</p> <p>8 Q. Okay. Did you ever feel a</p> <p>9 conflict between complying with federal</p> <p>10 regulations and customer satisfaction?</p> <p>11 A. Oh absolutely no.</p> <p>12 Q. Okay. What would you define</p> <p>13 as a satisfied customer, what would you</p> <p>14 define as a satisfied wholesaler</p> <p>15 customer?</p> <p>16 A. So I mean, the way you're</p> <p>17 phrasing that, to me, because my goal is</p> <p>18 to satisfy a customer, it doesn't mean</p> <p>19 that they get everything they want,</p> <p>20 right? It's to the best of my ability,</p> <p>21 within my means, and within our</p> <p>22 guidelines and everything that we have to</p> <p>23 follow. We want to meet the customer's</p> <p>24 needs. But that doesn't mean that you</p>
<p style="text-align: right;">Page 215</p> <p>1 can step outside of it. And I'll be the</p> <p>2 first to -- if, for example, if a</p> <p>3 customer calls and is rushing, rushing,</p> <p>4 wants a shipment quick and it's on hold,</p> <p>5 it's on hold. And it will get released</p> <p>6 when it gets released. And that's my</p> <p>7 position.</p> <p>8 I never stood down to</p> <p>9 anybody. And I want to make you happy,</p> <p>10 but I also have a job to do. So I never</p> <p>11 felt in conflict. I always felt in</p> <p>12 control.</p> <p>13 Q. Okay. So did you feel --</p> <p>14 did you ever feel pressure to ship an</p> <p>15 order prior to fully investigating</p> <p>16 whether or not it was suspicious?</p> <p>17 A. No. I don't think pressure</p> <p>18 is a good word, no.</p> <p>19 Q. So I would like to enter</p> <p>20 another exhibit, if I can find it.</p> <p>21 MS. ANTULLIS: Actually,</p> <p>22 I've just been told lunch is here.</p> <p>23 Maybe this is a good time to take</p> <p>24 a break so I don't waste your time</p>	<p style="text-align: right;">Page 216</p> <p>1 looking for exhibits.</p> <p>2 MS. LEVY: Okay.</p> <p>3 THE VIDEOGRAPHER: The time</p> <p>4 is 12:43 p m. Going off the</p> <p>5 record.</p> <p>6 (Lunch break.)</p> <p>7 THE VIDEOGRAPHER: We are</p> <p>8 back on the record. The time is</p> <p>9 1:25 p m.</p> <p>10 BY MS. ANTULLIS:</p> <p>11 Q. Hi. So I want to go through</p> <p>12 a few questions for you first and then go</p> <p>13 back to what we were discussing</p> <p>14 previously.</p> <p>15 A. Okay.</p> <p>16 Q. At any point during your</p> <p>17 tenure at Actavis, did the company have a</p> <p>18 system to monitor publicly available data</p> <p>19 regarding opioid sales from other</p> <p>20 manufacturers?</p> <p>21 A. Did anytime during Actavis</p> <p>22 did we have data available -- repeat the</p> <p>23 other part?</p> <p>24 Q. To monitor sales from other</p>
<p style="text-align: right;">Page 213</p> <p>1 part of your goals?</p> <p>2 A. Absolutely.</p> <p>3 Q. Was creating collaboration,</p> <p>4 cooperation among the teams part -- part</p> <p>5 of your goals?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. Was making processes</p> <p>8 faster and more effective part of your</p> <p>9 goals?</p> <p>10 A. More effective and certainly</p> <p>11 faster, but not, you know, risking</p> <p>12 accuracy certainly. I don't like the</p> <p>13 word faster.</p> <p>14 Q. Okay.</p> <p>15 A. Efficient? And accurate.</p> <p>16 Q. All right. More</p> <p>17 efficient --</p> <p>18 A. Yeah, I don't like the word</p> <p>19 faster.</p> <p>20 Q. I -- I don't want to put</p> <p>21 words in your mouth, so...</p> <p>22 A. Yeah. Less manual.</p> <p>23 Q. Okay. Did you ever -- did</p> <p>24 you ever feel difficulty -- did you ever</p>	<p style="text-align: right;">Page 214</p> <p>1 feel any tension in balancing those</p> <p>2 goals?</p> <p>3 A. No.</p> <p>4 Q. Did you ever feel like any</p> <p>5 of your goals were in conflict with --</p> <p>6 with each other?</p> <p>7 A. No.</p> <p>8 Q. Okay. Did you ever feel a</p> <p>9 conflict between complying with federal</p> <p>10 regulations and customer satisfaction?</p> <p>11 A. Oh absolutely no.</p> <p>12 Q. Okay. What would you define</p> <p>13 as a satisfied customer, what would you</p> <p>14 define as a satisfied wholesaler</p> <p>15 customer?</p> <p>16 A. So I mean, the way you're</p> <p>17 phrasing that, to me, because my goal is</p> <p>18 to satisfy a customer, it doesn't mean</p> <p>19 that they get everything they want,</p> <p>20 right? It's to the best of my ability,</p> <p>21 within my means, and within our</p> <p>22 guidelines and everything that we have to</p> <p>23 follow. We want to meet the customer's</p> <p>24 needs. But that doesn't mean that you</p>
<p style="text-align: right;">Page 215</p> <p>1 can step outside of it. And I'll be the</p> <p>2 first to -- if, for example, if a</p> <p>3 customer calls and is rushing, rushing,</p> <p>4 wants a shipment quick and it's on hold,</p> <p>5 it's on hold. And it will get released</p> <p>6 when it gets released. And that's my</p> <p>7 position.</p> <p>8 I never stood down to</p> <p>9 anybody. And I want to make you happy,</p> <p>10 but I also have a job to do. So I never</p> <p>11 felt in conflict. I always felt in</p> <p>12 control.</p> <p>13 Q. Okay. So did you feel --</p> <p>14 did you ever feel pressure to ship an</p> <p>15 order prior to fully investigating</p> <p>16 whether or not it was suspicious?</p> <p>17 A. No. I don't think pressure</p> <p>18 is a good word, no.</p> <p>19 Q. So I would like to enter</p> <p>20 another exhibit, if I can find it.</p> <p>21 MS. ANTULLIS: Actually,</p> <p>22 I've just been told lunch is here.</p> <p>23 Maybe this is a good time to take</p> <p>24 a break so I don't waste your time</p>	<p style="text-align: right;">Page 216</p> <p>1 looking for exhibits.</p> <p>2 MS. LEVY: Okay.</p> <p>3 THE VIDEOGRAPHER: The time</p> <p>4 is 12:43 p m. Going off the</p> <p>5 record.</p> <p>6 (Lunch break.)</p> <p>7 THE VIDEOGRAPHER: We are</p> <p>8 back on the record. The time is</p> <p>9 1:25 p m.</p> <p>10 BY MS. ANTULLIS:</p> <p>11 Q. Hi. So I want to go through</p> <p>12 a few questions for you first and then go</p> <p>13 back to what we were discussing</p> <p>14 previously.</p> <p>15 A. Okay.</p> <p>16 Q. At any point during your</p> <p>17 tenure at Actavis, did the company have a</p> <p>18 system to monitor publicly available data</p> <p>19 regarding opioid sales from other</p> <p>20 manufacturers?</p> <p>21 A. Did anytime during Actavis</p> <p>22 did we have data available -- repeat the</p> <p>23 other part?</p> <p>24 Q. To monitor sales from other</p>

<p style="text-align: center;">Page 217</p> <p>1      opioid manufacturers?</p> <p>2            A. Not that I'm aware of. No.</p> <p>3            Q. Did you have access to the</p> <p>4      ARCOS data?</p> <p>5            A. I did not.</p> <p>6            Q. Did Actavis -- to your</p> <p>7      knowledge did Actavis have access to</p> <p>8      ARCOS data?</p> <p>9            A. I've heard of ARCOS referred</p> <p>10     to a lot. I'm not sure who had access to</p> <p>11     it, but someone must have, because I've</p> <p>12     heard discussions on it.</p> <p>13           Q. Do you -- do you know who</p> <p>14     would know at Actavis whether or not they</p> <p>15     had access to ARCOS data?</p> <p>16           A. I don't know. I don't know.</p> <p>17           Q. You stated that one of the</p> <p>18     criteria -- I believe, correct me if I'm</p> <p>19     wrong, I believe you stated that one of</p> <p>20     the criteria that you looked like --</p> <p>21     looked at in determining whether or not</p> <p>22     an order was suspicious was tracking, say</p> <p>23     an indirect -- through your indirect SOP</p> <p>24     once you had a procedure in place, you</p>	<p style="text-align: center;">Page 218</p> <p>1      stated that one of the things that you</p> <p>2      looked at in determining whether the</p> <p>3      order was suspicious was -- was the</p> <p>4      ordering pattern from the customer's</p> <p>5      customer. So if a customer ordered the</p> <p>6      same amount of the same kind of drug from</p> <p>7      three different manufacturers -- or three</p> <p>8      different wholesalers, excuse me, that</p> <p>9      was -- that was information that you were</p> <p>10     able to track; is that correct?</p> <p>11           A. Yeah. I don't believe I</p> <p>12     used the word pattern.</p> <p>13           Q. Okay.</p> <p>14           A. It was more their sources.</p> <p>15     Did they have multiple sources.</p> <p>16           Q. Okay. So what -- what</p> <p>17     information did you use to track whether</p> <p>18     or not a customer's customer was ordering</p> <p>19     from multiple sources?</p> <p>20           A. I personally did not. That</p> <p>21     would have been the side of the project</p> <p>22     that Rachelle Galant helped to lead.</p> <p>23           Q. Okay. And would that</p> <p>24     information then have come from value --</p>
<p style="text-align: center;">Page 219</p> <p>1      the ValueTrak system?</p> <p>2            A. I believe. I'm almost</p> <p>3      certain, but I can't be positive. Yeah,</p> <p>4      I believe so.</p> <p>5            Q. Did Cegedim provide any</p> <p>6      data?</p> <p>7            A. Data, no.</p> <p>8            Q. Did Actavis purchase data</p> <p>9      from a company called -- let's go through</p> <p>10     them.</p> <p>11           From IMS Health?</p> <p>12           A. Yes. I can't speak much to</p> <p>13     it, but yes.</p> <p>14           Q. Okay. Did they purchase</p> <p>15     data from Quintiles IMS?</p> <p>16           A. Possibly, but I would not be</p> <p>17     the person to answer that. That would</p> <p>18     probably be Rachelle that would be able</p> <p>19     to answer that.</p> <p>20           Q. Okay. Did they -- did</p> <p>21     Actavis purchase data from IQBIA?</p> <p>22           A. I don't know. I feel like</p> <p>23     that name is -- is one of the other</p> <p>24     customers with a different name. It</p>	<p style="text-align: center;">Page 220</p> <p>1      sounds repetitive to me. I don't know.</p> <p>2      I -- the data wasn't handled in my area,</p> <p>3      so I don't know the answer to that.</p> <p>4           Q. Okay. I'm going to read off</p> <p>5      a list of -- of vendors and I just want</p> <p>6      you to tell me if any of them sound</p> <p>7      familiar. That's all I'm asking.</p> <p>8           A. That's easy enough.</p> <p>9           Q. Do they sound familiar to</p> <p>10     you?</p> <p>11           A. Okay.</p> <p>12           Q. And if so, I'll ask further.</p> <p>13     Okay?</p> <p>14           Pharmaceutical Data</p> <p>15     Services, Source Healthcare Analytics,</p> <p>16     NDS Health Information Services,</p> <p>17     Theraspan, Quintiles. There's no IMS.</p> <p>18     Okay.</p> <p>19           Theraspan?</p> <p>20           A. Theraspan sounds familiar.</p> <p>21     I don't know why.</p> <p>22           Q. Okay.</p> <p>23           A. But I -- I've heard them</p> <p>24     before.</p>

Page 221	Page 222
<p>1 Q. SDI Health?</p> <p>2 A. No.</p> <p>3 Q. ArcLight?</p> <p>4 A. No.</p> <p>5 Q. ScriptLine?</p> <p>6 A. No.</p> <p>7 Q. PRA Health Services --</p> <p>8 Health Science?</p> <p>9 A. No.</p> <p>10 Q. And I always mispronounce</p> <p>11 this but I'll try, Wolters Kluwer?</p> <p>12 A. I've heard of them, but it</p> <p>13 may be just because I've heard of them in</p> <p>14 the industry. I -- I've heard of them,</p> <p>15 but that's all I know.</p> <p>16 Q. All right. So do you know</p> <p>17 what kind -- do you know what data</p> <p>18 Actavis purchased from IMS Health?</p> <p>19 A. No. That was strictly</p> <p>20 handled through marketing.</p> <p>21 Q. Okay. Can you -- do you</p> <p>22 know why marketing purchased data from</p> <p>23 IMS Health?</p> <p>24 A. I would not be the person to</p>	<p>1 answer what they were using the data for.</p> <p>2 The only thing I can say is, as far as</p> <p>3 I'm aware, the data was based on our</p> <p>4 product and nobody else's.</p> <p>5 Yeah I don't know. I really</p> <p>6 wouldn't be the person to answer that</p> <p>7 question. That was really something</p> <p>8 marketing would have handled. I would</p> <p>9 never have gotten into --</p> <p>10 Q. I'm just not sure I</p> <p>11 understood the first part of your</p> <p>12 response. You said that data would have</p> <p>13 been our product and not someone else's.</p> <p>14 What are you referring to?</p> <p>15 A. Well, when you say -- I</p> <p>16 guess if -- I'm not sure what you're</p> <p>17 referring to. So I know -- I know we</p> <p>18 purchased data. So for example,</p> <p>19 sometimes some of the wholesalers, we</p> <p>20 even have to pay a fee to get data on our</p> <p>21 own information. That is the extent of</p> <p>22 what I know about how we get data. Not</p> <p>23 my area of expertise. And I'm not afraid</p> <p>24 to say that.</p>
Page 223	Page 224
<p>1 Q. Were you ever trained on how</p> <p>2 to detect suspicious orders for</p> <p>3 prescription medications distributed by</p> <p>4 Actavis?</p> <p>5 A. Well, controlled drugs,</p> <p>6 sure. That was part of our process that</p> <p>7 we were executing on.</p> <p>8 Q. And -- and by trained, is it</p> <p>9 your understanding that the question is</p> <p>10 asking for internal -- informal training?</p> <p>11 Are you -- when you say</p> <p>12 sure, are you responding to informal</p> <p>13 training or --</p> <p>14 A. It was definitely informal.</p> <p>15 Whether there was any formal documents</p> <p>16 that we signed off on, I don't recall.</p> <p>17 But certainly informal.</p> <p>18 Q. Did Actavis's sales</p> <p>19 employees get a bonus for exceeding a</p> <p>20 sales quota, if you know?</p> <p>21 A. I have no knowledge of any</p> <p>22 of their compensation structure.</p> <p>23 Q. Did customer service</p> <p>24 employees get a bonus for tracking</p>	<p>1 suspicious orders?</p> <p>2 A. No.</p> <p>3 Q. Did they get a bonus for</p> <p>4 reporting suspicious orders?</p> <p>5 A. No.</p> <p>6 Q. Did they receive any</p> <p>7 performance incentives?</p> <p>8 A. No.</p> <p>9 Q. So the customer service,</p> <p>10 nobody on the customer service team</p> <p>11 received any performance incentive at</p> <p>12 all; is that -- is that correct?</p> <p>13 A. We -- we received</p> <p>14 performance incentives based on our</p> <p>15 performance and the company's performance</p> <p>16 that we talked about earlier.</p> <p>17 Q. Okay.</p> <p>18 A. But nothing tied to sales</p> <p>19 plans or suspicious orders certainly.</p> <p>20 Q. Okay. So -- so they -- so</p> <p>21 then, is it correct to say that they did</p> <p>22 receive performance incentives, but that</p> <p>23 those incentives are not related to the</p> <p>24 suspicious order monitoring program?</p>

<p style="text-align: center;">Page 225</p> <p>1        A. That's correct.</p> <p>2        Q. Okay. Do you agree that the 3 profits of your company increased with 4 the volume of drugs supplied by -- by 5 Actavis to distributors?</p> <p>6        A. So if I can repeat the 7 question to make sure I understand what 8 you're saying.</p> <p>9              Do I think that, as our 10 volume of products shipping increases, 11 our profit would increase?</p> <p>12        Q. Mm-hmm.</p> <p>13        A. One would think so. Right? 14 Unless you're shipping at a loss. I 15 don't know, if you're doing incremental 16 volume, I would imagine your profits 17 would increase, so...</p> <p>18        MS. ANTULLIS: I just want 19 to say. There is some buzzing 20 going on and we've been hearing it 21 all morning. And we think it 22 might be somebody who is on the 23 phone. So maybe can you check to 24 make sure that your phone is on</p>	<p style="text-align: center;">Page 226</p> <p>1        mute?</p> <p>2              Thank you. Sorry.</p> <p>3              MR. ALLEGAERT: If you 4 continue to have that problem you 5 can have everybody hang up and 6 dial up.</p> <p>7              MS. ANTULLIS: We may 8 discover it's us.</p> <p>9        BY MS. ANTULLIS:</p> <p>10       Q. So distributors and 11 pharmacies were considered the direct 12 customers of Actavis, right?</p> <p>13       A. And wholesalers as well, 14 yes.</p> <p>15       Q. And wholesalers.</p> <p>16       A. Yes. Retail chains.</p> <p>17       Q. Was it -- sorry. 18              So as part of your role as 19 director of customer service, was it your 20 job to make sure that Actavis's customers 21 were satisfied with their interactions 22 with Actavis?</p> <p>23       A. Yes.</p> <p>24       Q. Was the timely shipping of</p>
<p style="text-align: center;">Page 227</p> <p>1        orders a component of keeping customers 2 satisfied?</p> <p>3        A. Sure.</p> <p>4        Q. Did you negotiate contracts 5 or pricing with customers?</p> <p>6        A. No, I did not.</p> <p>7        Q. Did you provide input to the 8 contracts department on negotiations with 9 customers?</p> <p>10       A. No, I did not.</p> <p>11       Q. Do you have any -- do you 12 know if there are any contracts with 13 distributors where your per unit price 14 reduces to volume discounts, rebates or 15 other financial arrangements?</p> <p>16       A. I really did not have any 17 involvement in the -- the details of the 18 contract. So I couldn't say.</p> <p>19       Q. Okay. Are you aware that 20 chargebacks were being offered to 21 distributors and wholesalers?</p> <p>22       A. Yeah. Like -- like we 23 mentioned earlier, I -- I feel like 24 chargebacks is how business was done,</p>	<p style="text-align: center;">Page 228</p> <p>1        because you sell to them at WAC. I don't 2 know. That's not my area. But yes, I've 3 certainly heard of chargebacks.</p> <p>4        Q. Was there ever an 5 investigation into whether or not to use 6 chargeback data to track your customer's 7 customers?</p> <p>8        A. I'm not sure if it was 9 chargeback data, no, not that I'm aware 10 of.</p> <p>11       Q. Do you have preferred 12 distributors?</p> <p>13       A. Preferred? I don't think 14 I've ever heard a term of preferred 15 versus nonpreferred, no.</p> <p>16       Q. Do -- do your distributor 17 companies provide any services to 18 Actavis?</p> <p>19       A. Services back to us? Not 20 that I can think of.</p> <p>21       Q. You said earlier that you 22 purchased data regarding Actavis -- you 23 purchased Actavis data from distributors; 24 is that correct?</p>

<p style="text-align: right;">Page 229</p> <p>1        A. Yeah, I -- I could be wrong.      2        But I believe, to be able to see our own      3        data, I believe the wholesalers, and      4        maybe not all, but I believe they charge      5        you for it.</p> <p>6        Q. And what -- what data was      7        Actavis charged for?</p> <p>8        A. I'd be speaking out of turn      9        to -- to say which data that is. I don't      10      know.</p> <p>11      Q. Was suspicious order      12      monitoring addressed in contracts with      13      distributors and wholesalers?</p> <p>14      A. Was it included in the      15      contract language initially? I don't      16      know. But as part of our      17      know-your-customer initiative and our      18      enhancements, yes, it was.</p> <p>19      Whether that was linked to      20      the contract or not, I am unaware. I      21      don't know.</p> <p>22      Q. Did you reevaluate the      23      contracts following these suspicious      24      order monitoring enhancements?</p>	<p style="text-align: right;">Page 230</p> <p>1        A. Oh, okay. Reevaluate our      2        contracts. I believe we may have, yes.</p> <p>3        Q. Would you reimburse a      4        customer if an order was canceled for --      5        you know, if a pended order was      6        determined to be suspicious, would you      7        then reimburse payment to the customer?</p> <p>8        A. No, because there would be      9        no payment to reimburse. They wouldn't      10      have been invoiced.</p> <p>11      Q. Was there any written      12      standard operating procedure in 2008      13      relating to direct suspicious order      14      monitoring?</p> <p>15      A. I believe so, but I don't      16      recall what it was called, or I don't      17      recall the details. I'm more familiar      18      with the later years.</p> <p>19      Q. And then, did you -- did you      20      assist in writing a standard -- does SOP      21      mean standard operating procedure?</p> <p>22      A. Correct.</p> <p>23      Q. And did you assist with      24      writing an SOP for direct suspicious</p>
<p style="text-align: right;">Page 231</p> <p>1        order monitoring in or around 2011 or      2        2012?</p> <p>3        A. Yes.</p> <p>4        Q. Okay. When you worked on      5        that SOP, did you look back to -- look      6        back for guidance on Actavis's prior      7        systems?</p> <p>8        Let me -- let me rephrase      9        the question.</p> <p>10      What investigation did you      11      do into Actavis earlier suspicious order      12      monitoring system when you began your      13      work on the SOP?</p> <p>14      A. Well, anytime you try to      15      improve any process, the way you approach      16      it is you look what you have, and you try      17      to create a roadmap on where you'd like      18      to be and take those gaps and fill them      19      in. And that's what we did. I mean,      20      there was things that we knew we wanted      21      to enhance and improve. So of course      22      when you want to move forward you have to      23      look back to see where you're at. So I      24      would say yes.</p>	<p style="text-align: right;">Page 232</p> <p>1        Q. So now I want to go back to      2        what we were discussing prior to our      3        lunch break, which was whether or not you      4        felt any pressure from customers to ship      5        orders while they're -- to ship pended      6        orders while they were under      7        investigation.</p> <p>8        A. So --</p> <p>9        MS. LEVY: She hasn't asked      10      you a question yet.</p> <p>11      BY MS. ANTULLIS:</p> <p>12      Q. Yeah.</p> <p>13      A. I believe --</p> <p>14      Q. You already answered the      15      question. So I'm just -- that's where      16      I'm going back to.</p> <p>17      A. Oh, to that topic. Okay.      18      Good.</p> <p>19      Q. So I want to introduce some      20      exhibits and I want to discuss -- so the      21      first one is Tab 15, which is Exhibit 7,      22      ALLERGAN_MDL_03427457.</p> <p>23      (Document marked for      24      identification as Exhibit</p>

<p style="text-align: right;">Page 233</p> <p>1        Baran-7.)      2    BY MS. ANTULLIS:      3        Q. So the only thing I'm going      4        to be asking you about is the top e-mail.      5        A. If you don't mind, to make      6        sure that I have everything in context,      7        I'm going to read it from the back      8        forward.      9        Q. I do mind. Because nothing      10       else that I'm asking you about has      11       anything to do with the rest of the      12       e-mail.      13       A. All right. Let me read the      14       first paragraph first and then I'll feel      15       comfortable with that.      16       Q. Read the first e-mail.      17       A. Yeah. Okay.      18       Q. So I really only have two      19       questions for you on this. The first one      20       is, is in the third paragraph you state,      21       "I don't want to hold up a sale, and I'm      22       not suggesting that we don't push this      23       through with the reason given."      24       I want to -- I just want   </p>	<p style="text-align: right;">Page 234</p> <p>1        to -- I want to -- what did you -- why      2        would you not want to hold up a sale of a      3        pharmaceutical drug?      4        A. So at the end of the day, my      5        job is -- you want patients to get      6        products when it's needed. But that      7        doesn't stop the fact that I have a job      8        to do. So, basically, what I'm saying in      9        that sentence is, you know, I'm not      10       looking to cause a problem where there      11       isn't one, but we need to do what we need      12       to do. I mean nothing was ever released      13       because we felt pressure. I mean, I can      14       say that with certainty. I mean, nobody      15       put pressure on us. And I feel      16       comfortable with that.      17       Q. Okay. So the next -- the      18       next question I have is, in the final      19       large paragraph. You say, "This is all      20       new to us so I'm sure we'll come up with      21       other scenarios like this that we have to      22       think about."      23       Do you see that statement?      24       A. I'm going to read the rest   </p>
<p style="text-align: right;">Page 235</p> <p>1        of the message again, because I'm not      2        sure of the context of that, "This is all      3        new to us," if it's DE -- if it's -- it      4        may pertain to UPS's modified process.      5        I'm not sure. I don't know.      6        Q. Why don't you read the      7        paragraph --      8        A. I don't recall.      9        Q. -- immediately above it and      10       that might help.      11       A. Okay.      12       MS. LEVY: If you need to      13        read the entire e-mail in order to      14        be able to answer, you certainly      15        can do that.      16       THE WITNESS: Okay.      17       MS. LEVY: Whatever you need      18        to do to answer the question.      19       MS. ANTULLIS: Again, I'm      20        going to put on the record that      21        that's an improper instruction.      22       THE WITNESS: I'm ready for      23        your question.      24       BY MS. ANTULLIS:   </p>	<p style="text-align: right;">Page 236</p> <p>1        Q. My question was, what is all      2        new to us?      3        A. What is all new to us? I      4        don't recall this scenario, so it's hard      5        for me to say with certainty. But      6        reading the information above, it could      7        have to do with this -- it certainly is      8        not new with the UPS, because we had been      9        dealing with them and they had a      10        suspicious order monitoring system. So      11        that's not that.      12       It may have been due to the      13        fact that for the first time ever, we had      14        a customer trying to order extra to hit      15        their own personal targets, that I'm not      16        aware of. But that's what it appears to      17        me in here. I can't read too much      18        further into it, because I really don't      19        recall this exact scenario. But what I      20        can say is the -- you know, "this is new      21        to us" is certainly not suspicious order      22        monitoring. That, I can say with      23        certainty.      24       Q. So I'm going to read you the   </p>

<p style="text-align: center;">Page 237</p> <p>1 paragraph above that statement. "I 2 obviously don't want to hold up a sale 3 and I am not suggesting we don't push 4 this through with the reason given. 5 However, I am suggesting that we put some 6 thought into this and make sure that we 7 would feel comfortable with this 8 explanation to the DEA if it ever came to 9 that. Probably not, but we should treat 10 each situation as though it could.</p> <p>11 "Let me know your thoughts, 12 I want to find ways to accept orders, not 13 reject them, but just want to make sure 14 we are within accepted procedures and 15 guidelines. This is all new to us."</p> <p>16 Within the context of the 17 above sentence, you have discussed 18 explanations to the DEA, right? The 19 e-mail appears to be a conversation 20 regarding an pended order for a drug that 21 is not at issue in the case. And you are 22 trying to determine whether or not -- and 23 you read the entire e-mail, so you can 24 see in context you're trying to determine</p>	<p style="text-align: center;">Page 238</p> <p>1 whether or not a pended order should be 2 released. So you're looking for an 3 explanation as to whether that order 4 should be released. 5 Is that a correct 6 interpretation of what's happening in 7 this e-mail?</p> <p>8 MS. LEVY: Objection to 9 form. 10 You can answer. 11 THE WITNESS: Answer? 12 With all that in between. I 13 forget the question. But -- 14 MS. LEVY: If you don't 15 understand, she can repeat the 16 question for you. 17 THE WITNESS: Yeah, sorry. 18 Can you just say that again. 19 BY MS. ANTULLIS: 20 Q. What is happening in this 21 e-mail chain? 22 A. What is happening in this 23 e-mail chain, based on what I'm reading 24 and not being there, you know, eight --</p>
<p style="text-align: center;">Page 239</p> <p>1 you know, nine years ago, it looks to me 2 that, first of all, in terms of my 3 comments on the DEA, I was never afraid 4 to push that in front of someone and say, 5 listen, my goal was, you know, we need to 6 be compliant. And that statement there 7 is exactly the language I would always 8 use. 9 We always want to make sure 10 that we are within accepted policies and 11 procedures and guidelines. 12 When I say I'm not looking 13 to hold up an order, like, listen, I'm 14 not looking to be difficult. But, you 15 know, we need to look at this, and we 16 need to look at every scenario as though 17 the DEA were standing right next to us 18 because we have an obligation. 19 And that's kind of my 20 description of the scenario. 21 Q. I appreciate your 22 information. But that didn't answer my 23 question. My question is what is 24 happening in this e-mail chain?</p>	<p style="text-align: center;">Page 240</p> <p>1 MS. LEVY: Objection. Asked 2 and answered. 3 You may answer again. 4 THE WITNESS: There -- in 5 this e-mail chain, there's clearly 6 an order on hold, and the -- you 7 know, sometimes when orders are 8 investigated and there's due 9 diligence, it's black and it's 10 white. 11 Sometimes when there's a 12 scenario that comes up, that 13 you've never experienced before, 14 you're going to have different 15 areas push back on what's right 16 and wrong. And there needs to be 17 someone in the middle that's 18 making sure we're still doing what 19 we're supposed to be doing and not 20 releasing anything until we're 21 satisfied. 22 So this is clearly one of 23 those discussions where there's a 24 debate, well, is that acceptable</p>

<p style="text-align: right;">Page 241</p> <p>1        or not.</p> <p>2    BY MS. ANTULLIS:</p> <p>3        Q. Okay. Thank you.</p> <p>4        A. Yeah.</p> <p>5        Q. So looking at that top</p> <p>6 e-mail chain again. It says, that</p> <p>7 sentence says, "I'm not" -- "I am"</p> <p>8 suggesting that we put some thought into</p> <p>9 this and make sure that we would feel</p> <p>10 comfortable with this explanation to the</p> <p>11 DEA."</p> <p>12        And then the next -- and</p> <p>13 then the next paragraph, it says, "I want</p> <p>14 to" -- "this is all new to us, so I'm</p> <p>15 sure that we'll come up with other</p> <p>16 scenarios like this that we have to think</p> <p>17 about."</p> <p>18        In the -- in the context of</p> <p>19 that e-mail, okay, is it -- is it your --</p> <p>20 is it your testimony that "all new to us"</p> <p>21 does not relate to justifications for</p> <p>22 DEA -- for the DEA?</p> <p>23        A. I think the way I would</p> <p>24 describe "all new to us" is as -- as</p>	<p style="text-align: right;">Page 242</p> <p>1        business evolves and you are following</p> <p>2 your procedures, you know, to continue to</p> <p>3 be compliant, you're undoubtedly going to</p> <p>4 run into new business scenarios that --</p> <p>5 you come up against a wall and you have</p> <p>6 to say, you know, what's right and what's</p> <p>7 wrong. Like, is this acceptable and is</p> <p>8 this not. We may not have encountered</p> <p>9 that scenario before. And that's not a</p> <p>10 surprise. Right? Every scenario is not</p> <p>11 the same. And every -- every order was</p> <p>12 treated uniquely. It wasn't a cookie --</p> <p>13 copy and paste of the one before. So...</p> <p>14        Q. All right. So then is it</p> <p>15 your testimony that "all new to us"</p> <p>16 relates to the business situation at hand</p> <p>17 and not to a new process for determining</p> <p>18 whether or not an order is suspicious?</p> <p>19        A. So my testimony would be,</p> <p>20 sitting in this chair today, seven,</p> <p>21 eight years later from when I wrote this,</p> <p>22 it's hard to be in my mind. But looking</p> <p>23 at it, what I would say is that this is</p> <p>24 all new to us is we're coming up with</p>
<p style="text-align: right;">Page 243</p> <p>1        these different scenarios that we have to</p> <p>2 interpret and, you know, very carefully</p> <p>3 judge and measure. So that's how, 2018,</p> <p>4 I'm looking back at an e-mail seven,</p> <p>5 eight years ago, I would interpret my</p> <p>6 comments there.</p> <p>7        Q. And when you say judge and</p> <p>8 measure, are you saying that you have to</p> <p>9 judge and measure them for the DEA</p> <p>10 justifications?</p> <p>11        A. Up against what the DEA is</p> <p>12 looking for.</p> <p>13        Q. Okay. Thank you.</p> <p>14        Did you find, during your</p> <p>15 course of employment at Actavis, that in</p> <p>16 conducting some of these investigations</p> <p>17 into pended orders, that people in other</p> <p>18 departments were reluctant to provide</p> <p>19 information?</p> <p>20        A. While I can't say I recall</p> <p>21 any specifics, but it wouldn't surprise</p> <p>22 me. I mean, you know, sometimes people</p> <p>23 aren't cooperative, and when you are</p> <p>24 responsible and you own a process that</p>	<p style="text-align: right;">Page 244</p> <p>1        ensures our compliance, that other group</p> <p>2 may not have that same level of ownership</p> <p>3 and accountability. So my answer would</p> <p>4 be, I don't know, but it wouldn't</p> <p>5 surprise me that that would possibly</p> <p>6 occur.</p> <p>7        Q. Did you ever feel that</p> <p>8 people were nonresponsive to your request</p> <p>9 for information?</p> <p>10        A. So, nonresponsive, you</p> <p>11 can -- you can describe that in many</p> <p>12 different ways. Nonresponsive sometimes</p> <p>13 just means slow, which yes, I would say</p> <p>14 people were slow. But if they were slow,</p> <p>15 then they didn't -- the order didn't get</p> <p>16 released. So it was in their benefit not</p> <p>17 to be nonresponsive.</p> <p>18        But, yeah, in business</p> <p>19 today, you always find people that are</p> <p>20 nonresponsive unfortunately. It didn't</p> <p>21 change the outcome. If they were</p> <p>22 nonresponsive, we didn't get what we</p> <p>23 wanted, nothing went anywhere, so...</p> <p>24        Q. So what would happen, if</p>

<p style="text-align: center;">Page 245</p> <p>1 someone, a salesperson or somebody that 2 you reached out to information on a 3 suspicious -- on a pended order, what 4 would happen if they didn't get you 5 information within a certain, you know, 6 within a week?</p> <p>7 A. Well, quite frankly, I mean 8 we didn't have any number of days. But I 9 don't really think anything ever went 10 extremely long -- long like that. 11 Ultimately we -- we -- first of all, we 12 were dealing with a sales force of I 13 think it was five people, so we didn't 14 have a lot of different personalities and 15 we didn't have 150 people that we were 16 trying to communicate with. So that made 17 it fairly simplistic. And they respected 18 our role.</p> <p>19 So for the most part I would 20 say, you know, just from the sales 21 standpoint, they were responsive because 22 they wanted their customers' orders dealt 23 with. But I can't sit here and testify 24 that there weren't scenarios where they</p>	<p style="text-align: center;">Page 246</p> <p>1 were nonresponsive, because salespeople 2 are salespeople. And sometimes they'll 3 respond when they want to respond. So, 4 you know.</p> <p>5 Q. Did you ever have to cancel 6 an order because you failed to get 7 information within a certain amount of 8 time?</p> <p>9 A. Canceling an order because I 10 failed to get information?</p> <p>11 Q. Did you ever have to cancel 12 a pended order because you could not get 13 information at a reasonable --</p> <p>14 A. Could not get any 15 information isn't satisfactory though, 16 because then what if it were -- were 17 suspicious. So to me that would be 18 unacceptable, so, no.</p> <p>19 Q. Okay.</p> <p>20 A. I mean, yeah, I mean you 21 can't just -- all right. If you don't 22 answer, don't worry about it, because I'm 23 going to cancel it, like that didn't work 24 that way.</p>
<p style="text-align: center;">Page 247</p> <p>1 Q. Okay. So if they are -- I 2 just want to make sure I understand your 3 testimony.</p> <p>4 A. Yeah.</p> <p>5 Q. If there were a pended 6 order, is it correct to say that you 7 would investigate the nature of that 8 order to conclusion prior to determining 9 whether or not to cancel or ship the 10 order?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And -- and was 13 there -- was there a requirement -- was 14 there a written requirement at Actavis to 15 conduct an order in a certain period of 16 time?</p> <p>17 A. There may have been, you 18 would have to refer to our SOP. I don't 19 recall. I don't recall time frames.</p> <p>20 Q. Okay.</p> <p>21 A. But I also don't recall time 22 frames really being a business issue, to 23 be honest with you. You know.</p> <p>24 Q. Do you remember what the</p>	<p style="text-align: center;">Page 248</p> <p>1 average time would be for an 2 investigation into a pended order -- 3 order?</p> <p>4 A. Well, so don't forget, a lot 5 of them were fairly simplistic because of 6 things like new product launches, or new 7 contract awards or, you know, we just 8 took on additional volume because another 9 competitor dropped out and the market is 10 changing.</p> <p>11 So those -- those type of 12 things, maybe the first time you didn't 13 know about it, it took a little bit of 14 time. But once you were aware, those 15 things were fairly quick. Certainly 16 within the same business day.</p> <p>17 But other scenarios, if it 18 involved, you know, asking questions from 19 three different departments, certainly it 20 didn't always happen in a day. So it 21 could -- it could go a day, two days if 22 it needed to.</p> <p>23 I don't really -- I may at 24 some point in time -- excuse my voice --</p>

<p style="text-align: center;">Page 249</p> <p>1 have run statistics and -- but I don't 2 recall. I don't recall a number to give 3 you.</p> <p>4 Q. So do you -- do you remember 5 an investigation ever taking longer than 6 a week?</p> <p>7 A. I don't remember one. But 8 it's not that it wouldn't have been 9 possible.</p> <p>10 Q. Do you ever remember an 11 investigation taking longer than a month?</p> <p>12 A. I don't remember one. And I 13 would be very surprised. There would 14 have to be some very unusual 15 circumstances for that. But I don't -- I 16 don't recall.</p> <p>17 Q. Do you remember an 18 investigation ever taking longer than six 19 months?</p> <p>20 A. Oh gosh. No.</p> <p>21 Q. So, again prior to the -- 22 the enhancement, prior to 2011, was there 23 a particular -- I think I've already 24 asked these questions.</p>	<p style="text-align: center;">Page 250</p> <p>1 So I think I'm going to go 2 ahead and introduce a document that I 3 want to ask you questions about --</p> <p>4 A. Sure.</p> <p>5 Q. -- the document. And if you 6 need me to go back --</p> <p>7 A. Okay.</p> <p>8 Q. -- I will.</p> <p>9 So this is going to be 10 Tab 56. This is Exhibit 8. (Document marked for 12 identification as Exhibit 13 Baran-8.)</p> <p>14 BY MS. ANTULLIS:</p> <p>15 Q. I've been looking at 16 documents far too long. I believe the 17 e-mail chain starts on the second page 18 and continues to the first.</p> <p>19 A. It looks like a quick one.</p> <p>20 Okay. I'm good.</p> <p>21 Q. So this appears to be an 22 e-mail -- first of all, do you recognize 23 the document?</p> <p>24 A. Yes.</p>
<p style="text-align: center;">Page 251</p> <p>1 Q. Do you remember this 2 exchange?</p> <p>3 A. Yes.</p> <p>4 Q. In the first e-mail you 5 appear to be e-mailing Michael Clark and 6 others to ask -- to explain -- to discuss 7 something called the 7.17.5 suspicious 8 order report. Is this the suspicious 9 order report that you were referring to 10 earlier --</p> <p>11 A. Yes.</p> <p>12 Q. -- that was printed out 13 several times a day and that you 14 reviewed?</p> <p>15 A. Correct.</p> <p>16 Q. And is that the numerical 17 number that you were thinking, 7.17.5?</p> <p>18 A. Yes.</p> <p>19 Q. On the next page, who is 20 Noemi Rebeco? Who is that?</p> <p>21 A. Noemi Rebeco, I'm not sure 22 of her exact title. It may be listed 23 there. She was essentially a supply 24 planner. She was working in the</p>	<p style="text-align: center;">Page 252</p> <p>1 manufacturing plant.</p> <p>2 Q. At Elizabeth?</p> <p>3 A. Correct.</p> <p>4 Q. So she asked you if it was 5 possible to change the name of the report 6 and still continue using the report, 7 right? So earlier on in the e-mail chain 8 you're discussing discontinuing the use 9 of the report with the implementation of 10 the new -- the enhanced suspicious order 11 monitoring program. She's asking whether 12 or not it is possible to keep using the 13 report.</p> <p>14 A. Correct.</p> <p>15 Q. Because she believes it's 16 useful to her team.</p> <p>17 MS. LEVY: Object to the 18 form of the question. You can 19 answer if you understand.</p> <p>20 BY MS. ANTULLIS:</p> <p>21 Q. Is that your understanding 22 of what's happening in this e-mail 23 exchange?</p> <p>24 A. Yes.</p>

<p style="text-align: right;">Page 253</p> <p>1       Q. Okay. She -- she says the 2 name could be changed to excess order 3 report or another name. 4       Do you have any 5 understanding of why she would change the 6 name to excess order report? 7       A. I sure do. I can explain 8 the whole scenario. 9       Q. Okay. Please do. 10      A. So completely outside of 11 SOM, nothing to do with control drugs, 12 this is just all of our products across 13 the board, one of our weaknesses as a 14 company was we had poor inventory 15 management reports. So for example, if 16 there was a product shortage or supply, 17 maybe driven by an issue with API being 18 unavailable, or the main API supplier 19 that's supplying everybody that 20 manufactures this drug, something 21 happened and it's not going to be 22 available, and we know that, and we're 23 all going to be driven into a backorder 24 for three months, right. Or it could be</p>	<p style="text-align: right;">Page 254</p> <p>1       any other scenario. But I'll just use 2 that one as an example. 3           When those scenarios happen, 4 it's really important that we manage our 5 inventory very closely. And we quite 6 often would use what we referred to the 7 term -- and you may come across it, the 8 word "allocation." 9           And allocation was nothing 10 more than taking that amount of product 11 that you have and making very conscious 12 business decisions on how you supplied 13 it, with the goal in mind of protecting 14 your customers that have been on 15 contract. If a customer was on contract 16 and we've committed to sell them 17 100 units a month, you know, they're a 18 priority, versus some random customer 19 that's going to come in. They've never 20 bought from us before, but they hear 21 there's a problem in the market. They've 22 been with another supplier, and all of 23 the sudden they are going to try to order 24 that product though us, throw us into</p>
<p style="text-align: right;">Page 255</p> <p>1       backorder, because we're getting this 2 artificial demand that we never had 3 before; and, therefore, it's impacting 4 our customers that it's our goal to keep 5 them whole and keep our commitment on 6 what we want to supply them to the best 7 of our ability. 8       So with that being said, we 9 never really had a good inventory 10 management system to make sure that 11 sneaky customers weren't coming in and 12 ordering because they heard in the market 13 there's going to be price increases or 14 because they heard in the market there's 15 going to be raw material issues. 16       So we had no mechanism to 17 prevent -- and like I said, this is 18 not -- this is not control drugs, this is 19 other drugs, to do that. 20       So because we had this 21 report, that would flag unusual purchases 22 on controls, you know, that report was 23 used by supply chain, for example, as 24 a -- we have nothing else, so this is</p>	<p style="text-align: right;">Page 256</p> <p>1       good, this works for controls. So they 2 were using it for another purpose in lieu 3 of what we were strongly in need of, 4 which was an inventory management report. 5 Two completely different things. 6           And it's really important 7 that you differentiate, because the topic 8 sometimes can get confusing. You need to 9 draw a line in the sand. They're two 10 different issues. There's our efforts on 11 SOM and there's our efforts on inventory 12 management. 13       Q. Okay. So can I ask you to 14 go to the second page of this document. 15 Look at the subject line of the e-mail 16 and read that to me. 17       A. Mm-hmm. 18       Q. Can you read it out loud, 19 please. 20       A. "SOM." 21       Q. Did you ever use this 22 report, the suspicious order report, for 23 tracking suspicious orders, pended 24 orders?</p>

<p style="text-align: center;">Page 257</p> <p>1        A. The suspicious order report 2 was used for suspicious order monitoring, 3 yes.</p> <p>4        Q. Okay. So I understand that 5 the report was also then being used at 6 the Elizabeth plant for inventory 7 planning purposes; is that correct?</p> <p>8        A. Yes. It wasn't their end 9 all, but it was -- it was their mechanism 10 to see if anything really outside of 11 normal ranges was coming on the radar.</p> <p>12      Q. Now, Noemi suggests to 13 change the name to excess order report. 14 Is that an accurate reflection of what 15 you see in the e-mail?</p> <p>16      A. Yes. And the reason --</p> <p>17      Q. I'm not asking what the 18 reason is she's doing it.</p> <p>19      A. Yes.</p> <p>20      Q. I want to know whether or 21 not the suspicious order report shows 22 excess orders for control drugs.</p> <p>23      A. Excess orders -- well, it 24 shows other things. It shows many</p>	<p style="text-align: center;">Page 258</p> <p>1        things.</p> <p>2        Q. Does it show excess orders 3 for control drugs?</p> <p>4        A. Excess, if they're ordering 5 above their typical historical usage, you 6 can call that excess, yeah.</p> <p>7        Q. Why would -- why would this 8 be useful from an inventory planning 9 perspective? Would it be useful from an 10 inventory planning perspective?</p> <p>11      A. Because she's operating in a 12 different mindset of looking what's in 13 the pipeline. And if something comes in, 14 and if it were to be released it would 15 set us in complete backorder, if it were 16 to be released. The two are totally 17 different.</p> <p>18      Q. And I'm asking with regard 19 to the suspicious order monitoring 20 side -- use of the report.</p> <p>21      A. Yeah.</p> <p>22      Q. So I would like to go to the 23 top e-mail in the chain.</p> <p>24      A. Okay.</p>
<p style="text-align: center;">Page 259</p> <p>1        Q. You say, "Given the criteria 2 and logic that this report is built on, 3 I'm very surprised that it's so valuable 4 from an inventory and planning 5 perspective."</p> <p>6        Can you please just explain 7 to me what you mean by the criteria and 8 logic that the report was built on?</p> <p>9        A. Because it was only going 10 after a certain subset of products. And 11 she's looking at the entire basket of 12 products for the entire company. So it 13 was, to me, not really what she -- it 14 wasn't what she needed. And that's 15 pretty -- pretty easily said.</p> <p>16      Q. Okay. I'm going to 17 introduce another document in the record. 18 But maybe keep this one in front of you.</p> <p>19      A. Okay.</p> <p>20      MS. ANTULLIS: It is Tab 30. 21      Exhibit Number 9. It's 22      ALLERGAN_MDL_2128037. 23      (Document marked for 24 identification as Exhibit</p>	<p style="text-align: center;">Page 260</p> <p>1        Baran-9.)</p> <p>2        BY MS. ANTULLIS:</p> <p>3        Q. My first question is, is 4 finasteride a controlled substance?</p> <p>5        A. That was my first question 6 when reading this. I probably could have 7 told you that in the past, but my memory 8 is lacking. And without that 9 information, the context of this e-mail 10 is very hard for me to determine.</p> <p>11      So that was my question in 12 reading this too. And if you were to ask 13 me seven years ago, I would spit an 14 answer out to you whether it was 15 controlled. I just don't have them 16 memorized anymore, because that would be 17 nice to know so I could re-read this in 18 proper context.</p> <p>19      Q. Okay. Why don't we put this 20 aside. We'll come back to it. I will 21 verify my understanding of finasteride. 22 And you can feel free to Google it during 23 the break if you'd like. Okay?</p> <p>24      A. Good.</p>

<p style="text-align: center;">Page 261</p> <p>1 Q. I'm now going to go to Tab 2 26.</p> <p>3 MS. ANTULLIS: This is going 4 to be Exhibit 10.</p> <p>5 ALLERGAN_MDL_03302011. 6 (Document marked for 7 identification as Exhibit 8 Baran-10.)</p> <p>9 BY MS. ANTULLIS:</p> <p>10 Q. So do you recognize this 11 document?</p> <p>12 A. The begin -- the beginnings 13 of what I've seen so far, yes.</p> <p>14 Q. So I will represent to you 15 that this document was in your custodial 16 files, which means it was produced from 17 your -- your files at Actavis.</p> <p>18 Do you remember having a 19 meeting with the Drug Enforcement 20 Administration in September of 2012?</p> <p>21 A. I vividly remember the 22 meeting. The date I had mentioned 23 earlier I think in this testimony, I 24 estimated it was around September of</p>	<p style="text-align: center;">Page 262</p> <p>1 2012. But I didn't have the date 2 specific.</p> <p>3 Q. Did the Drug Enforcement 4 Administration make a presentation to you 5 during that meeting?</p> <p>6 A. We made a presentation -- 7 oh, to them. Yes, they -- they did.</p> <p>8 Q. Okay.</p> <p>9 A. I was more focused on our -- 10 yeah. Sorry.</p> <p>11 Q. The Drug Enforcement 12 Administration made a presentation to 13 you; is that correct?</p> <p>14 A. Correct.</p> <p>15 Q. And is it also correct to 16 say that you made a presentation to, you, 17 Actavis...</p> <p>18 Correct -- is it correct to 19 say that Nancy Baran made a presentation 20 to the Drug Enforcement Administration 21 during that meeting?</p> <p>22 A. So I will say that during 23 that meeting, I spoke with a room of 24 maybe 20 people for probably close to two</p>
<p style="text-align: center;">Page 263</p> <p>1 to three hours straight. Whether I 2 actually put a presentation on the wall 3 or not, I don't recall.</p> <p>4 Q. Do you recall --</p> <p>5 A. It's possible.</p> <p>6 Q. Do you recall if you 7 designed a presentation for this meeting?</p> <p>8 A. Oh. Oh, yeah, I would 9 have -- yeah, but I just don't know if I 10 displayed and actually demonstrated it or 11 used it for my own notes. That's the 12 part I don't remember.</p> <p>13 Q. Do you recall -- do you 14 recall if you handed the presentation out 15 to other people who were in the -- who 16 were at the meeting?</p> <p>17 A. Without knowing if I gave 18 the presentation, I definitely don't 19 recall if I handed it out.</p> <p>20 Q. Okay. But you are -- is 21 it -- is it correct to say that you 22 are -- you are clear that you did create 23 a presentation for this meeting?</p> <p>24 A. I know I created a lot of</p>	<p style="text-align: center;">Page 264</p> <p>1 information based on what we were doing. 2 Whether I put it in a presentation 3 format, I don't remember. But I'm sure 4 you'll tell me.</p> <p>5 Q. If you did create a 6 presentation, where would you have kept 7 it?</p> <p>8 A. If I did, it would have been 9 on my hard drive, my computer.</p> <p>10 Q. So looking at the document 11 in front of you. Does this appear like 12 something you would have put together?</p> <p>13 A. Okay. Give me one minute.</p> <p>14 Q. And you are free to flip 15 through the document of course, but it is 16 a 300-page document.</p> <p>17 A. Yeah, no, I just -- I just 18 need to get familiarized --</p> <p>19 Q. If you want to read -- if 20 you want to read the --</p> <p>21 MS. LEVY: I'd like for her 22 to read every page of it.</p> <p>23 MS. ANTULLIS: If she wants 24 to, she can --</p>

<p style="text-align: center;">Page 265</p> <p>1 MS. LEVY: That was a joke. 2 MS. ANTULLIS: -- but we're 3 going to go off the record and we 4 can come back tomorrow. 5 I have no questions on the 6 cases.</p> <p>7 THE WITNESS: This is not my 8 presentation.</p> <p>9 BY MS. ANTULLIS:</p> <p>10 Q. So does this look familiar 11 to you?</p> <p>12 A. Yes.</p> <p>13 Q. Without -- without asking 14 you any questions about the substance of 15 the presentation at this point in time, 16 does it look familiar to you?</p> <p>17 A. It's not -- no, it's not 18 what I expected. So a lot of it does not 19 look familiar. It doesn't look like 20 something -- not that it wouldn't have 21 been something I passed along, but not 22 something that I created for sure. I 23 almost wonder if this is the DEA's 24 presentation to us. I don't know. I</p>	<p style="text-align: center;">Page 266</p> <p>1 would have to spend a little time reading 2 all this. 3 But, you know, I can tell 4 based on the information that's in here, 5 this is not my presentation. 6 Q. Okay. So is it possible 7 that this is the presentation that the 8 DEA gave you at that meeting? 9 A. That's what I'm thinking, 10 but I would want to look at it a few more 11 minutes. 12 Q. I would like to 13 ask though -- 14 A. It's the title page that 15 confuses me, so... 16 Q. Why does the title page 17 confuse you? 18 A. Okay. All right. I'm -- 19 I'm clear now. 20 So this is their 21 presentation, but it's their meeting with 22 Actavis Elizabeth which I wasn't thinking 23 was -- was us, but it was the entity we 24 were representing.</p>
<p style="text-align: center;">Page 267</p> <p>1 So this is the DEA's 2 presentation. So, sorry.</p> <p>3 Q. Okay.</p> <p>4 A. I'm with you now.</p> <p>5 Q. So do you recall whether you 6 reached out -- whether you, Actavis 7 reached out to the DEA to set up this 8 meeting?</p> <p>9 A. I remember the meeting very 10 vividly. But, you know, driving here 11 today, thinking about all this and I was 12 like, oh, you know, I'm sure that meeting 13 in -- in -- with the DEA will come up. 14 And I'll -- I'll be honest, 15 I can't remember what the driver was. 16 I -- I will say, we did not call the 17 meeting, we were called to the meeting. 18 And the DEA calls you to go there, you 19 go. That's all I remember. I don't 20 remember the context of why we were 21 called.</p> <p>22 Q. Do you remember who from the 23 DEA called you to set up this meeting?</p> <p>24 A. No.</p>	<p style="text-align: center;">Page 268</p> <p>1 Q. Do you remember, was anybody 2 else from Actavis present at the meeting?</p> <p>3 A. Yes.</p> <p>4 Q. Can you please tell me who 5 else you remember being present at the 6 meeting?</p> <p>7 A. I almost feel like there 8 could be a fourth person, so I don't want 9 to say to you I have this down with 10 certainty. But the ones I remember 11 vividly, it was myself, and I believe it 12 was John Duff and Michael Clark. I don't 13 believe there was a fourth person but I 14 could be wrong.</p> <p>15 Q. Was this the first meeting 16 that you had with the DEA during your 17 employment at Actavis?</p> <p>18 A. First meeting I had, 19 correct.</p> <p>20 Q. Okay. How many times did 21 you meet with the DEA during your time at 22 Actavis?</p> <p>23 A. Twice.</p> <p>24 Q. Was the second time in</p>

<p style="text-align: right;">Page 269</p> <p>1     October of 2012?</p> <p>2       A. That would make sense. I 3       would say it's about a month, a couple 4       weeks after the initial meeting. It was 5       a follow-up. So that would make sense.</p> <p>6       Q. So do you recall the purpose 7       of this meeting with the DEA?</p> <p>8       A. So the -- the purpose and 9       the driver and the root cause of why we 10      were there, I don't really -- it's not 11      even that today I don't recall that. 12      I -- I don't even think I could tell you 13      seven, eight years ago what the reason 14      was we were there.</p> <p>15      But when you're called to a 16      meeting with the DEA, you go. Why they 17      were calling it, I don't know. We 18      certainly didn't know ahead of time. 19      Based on the context of the meeting, you 20      know, I could tell you about that a 21      little bit. But I don't know what the 22      real driver was, other than to educate us 23      on rolled up -- you know, some of our 24      rolled-up data.</p>	<p style="text-align: right;">Page 270</p> <p>1       Q. So I have a couple of 2       questions to unpack that to make sure I 3       understand what you're saying.</p> <p>4       My first question is what is 5       rolled-up data?</p> <p>6       A. Well, to -- rolled-up data 7       is probably a really poor description. 8       It was looking at hey, do you know where 9       your product is going, that kind of 10      context.</p> <p>11      Q. And was that data that you 12      provided to the DEA?</p> <p>13      A. No. That was data the DEA 14      provided to us.</p> <p>15      Q. And you said -- you said 16      something about the context around which 17      this meeting occurred?</p> <p>18      A. Well, I mean, I --</p> <p>19      Q. Is that an accurate -- am 20      I -- am I accurately stating your 21      testimony?</p> <p>22      You used the word context.</p> <p>23      A. Like I don't know -- when I 24      said context, I don't know the purpose.</p>
<p style="text-align: right;">Page 271</p> <p>1     Like I feel like they had a motivation 2     and they had a purpose.</p> <p>3       Q. Well, what did you believe 4       the context to be?</p> <p>5       A. But --</p> <p>6       Q. When you used the word 7       context, what did you believe the context 8       to be?</p> <p>9       A. I don't know. Maybe context 10      isn't a good word. I mean I know what 11      the discussions were when we got there, 12      but, you know, if -- if you were to have 13      the DEA describe in one sentence the 14      reason they brought us there, I don't 15      think I would have had that back then 16      versus now, you know.</p> <p>17      They -- they may have been, 18      you know, taking the opportunity to 19      validate our compliance and what we were 20      doing, you know. I'm sure they had a 21      couple different motives.</p> <p>22       Q. So you testified that you 23      vividly remember the meeting itself; is 24      that correct?</p>	<p style="text-align: right;">Page 272</p> <p>1       A. Yeah. And vividly may be a 2       strong word. But I certainly remember 3       sitting there. And I certainly remember 4       being asked all kinds of questions. I 5       remember stepping them through our 6       process. And I remember the feeling I 7       got when we left.</p> <p>8       Q. What was the feeling you got 9       when you left?</p> <p>10      A. The feeling I got when I 11      left was -- was kind of two different 12      things. They were almost -- well, first 13      of all, they were like wow, like they 14      were very impressed with what we had done 15      already and the direction we were heading 16      in, which was our new initiative.</p> <p>17      And I can't say with 18      certainty, but I got the impression that 19      like we were ahead of the curve, that 20      nobody else was doing that yet.</p> <p>21      So the -- the impression I 22      got left with was they are like, you 23      know, wow, you guys are doing a great 24      job.</p>

<p style="text-align: right;">Page 273</p> <p>1           The second impression I got,      2 I left with, and this is my only -- my      3 personal opinion, nothing was verbally      4 ever said, I almost feel like they were      5 like disappointed, like damn, you know,      6 like, I don't know, were they trying to      7 get something on us or use us to get      8 something on someone else. I don't know.      9 It was never clear to me, the purpose of      10 the meeting. But I don't feel like they      11 got what they wanted, which I believe, in      12 my opinion, and I know nothing to      13 validate this, but that's why they came      14 back for a second smaller meeting.</p> <p>15          They were still looking to      16 get something that they didn't get from      17 us. So I don't really know what it was.      18 It was just -- it's the only way I can      19 describe it. But they were very      20 impressed. And I left -- to be honest      21 with you, I'm usually a pretty modest      22 person. But I left pretty proud, because      23 I sat there with every confidence on      24 everything we had done and all the new</p>	<p style="text-align: right;">Page 274</p> <p>1           things that we were doing. And, you      2 know, I felt good about it. And I felt      3 really good when I saw how impressed they      4 were.</p> <p>5          Q. Do you remember any of the      6 specific questions that they asked you      7 during the meeting?</p> <p>8          A. Specific questions, no.      9 Just high level topics, you know, we      10 talked the indirect and the direct piece.      11 Specific questions, not really, other      12 than what I mentioned earlier, like, you      13 know, do you know where your product is      14 going, you know.</p> <p>15          Q. And what did you tell them      16 when they asked you do you know where      17 your product is going?</p> <p>18          A. Well, that's when we -- we      19 told them that based on our first line      20 initiative, yeah, we know where our      21 product is going, to our direct      22 customers. We have full control over      23 that. We have a tight process.</p> <p style="text-align: right;">And in terms of where our</p>
<p style="text-align: right;">Page 275</p> <p>1           customers' customers are shipping it,      2 that's something where we've created this      3 initiative. We're branching out to kind      4 of get that data so that we could, you      5 know, take a stronger role in the process      6 and be better partners with our customers      7 who, to that point, we had no reason to      8 believe they weren't willing to be good      9 partners with us. You know, we had some      10 pretty good -- good meetings with them.      11 We sent some strong messages, saying      12 here's where we stand. Here's what we're      13 doing. Here's what you need to do as a      14 good partner. And we didn't get anything      15 back that would ever have given me the      16 impression that they weren't fully on      17 board.</p> <p>18          Q. So, during the meeting --      19 first of all, how long was the meeting?</p> <p>20          A. I'm going to estimate three      21 hours.</p> <p>22          Q. And where did it occur?</p> <p>23          A. It was somewhere in      24 Washington, D.C. I believe -- I believe</p>	<p style="text-align: right;">Page 276</p> <p>1           the DEA has a headquarters there.</p> <p>2          Q. Okay.</p> <p>3          A. So I believe that's where it      4 was, yeah.</p> <p>5          Q. Do you recall any      6 discussions with Doug Boothe before or      7 after the meeting that were you a part      8 of?</p> <p>9          A. It's very possible. He      10 wouldn't be someone that I didn't talk      11 to. Not that he'd be someone that I      12 talked to that frequently. But none that      13 I recall specifically.</p> <p>14          Q. Do you recall him ever      15 expressing concern to you about this      16 meeting?</p> <p>17          A. Expressing concern? You      18 know, I think, you know, one of the      19 things about Doug -- so for everybody      20 else's knowledge, Doug was my boss's      21 boss. And much like my boss who had      22 every confidence in me, he knew what he      23 was getting and he knew that I deal      24 with -- you know, dig into the details,</p>

<p style="text-align: center;">Page 277</p> <p>1 and when I do something, I do it all the 2 way. Doug had that same level of 3 confidence in me.</p> <p>4 You know, I'm sure he was 5 probably curious like, what the heck, why 6 are we being called to the DEA, you know, 7 because we didn't even know.</p> <p>8 But I don't recall specific 9 conversations, no.</p> <p>10 Q. Okay. Thank you. Do you 11 recall a discussion of Florida -- 12 Florida, oxycodone in Florida during this 13 DEA presentation?</p> <p>14 A. Specific to Florida, I mean, 15 over the course of business we had a lot 16 of discussions on Florida, because we -- 17 you know, with licensing and all their 18 special requirements on documentation and 19 how the documents would be printed, so 20 Florida was one of those states that came 21 up a lot. We had to make a lot of 22 customizations in terms of our documents 23 to be compliant, like, from a state 24 level. So when you say Florida, that's</p>	<p style="text-align: center;">Page 278</p> <p>1 what I think of.</p> <p>2 Q. In this presentation --</p> <p>3 A. In this presentation --</p> <p>4 Q. -- do you recall the DEA 5 discussing the oversupply of oxycodone in 6 Florida with you?</p> <p>7 A. I remember at some point in 8 some conversation somewhere, and it may 9 have been with the DEA, but I can't be 10 certain, that someone made a comment 11 about, you know, X percentage of drugs 12 are going into Florida or whatever. But 13 I can't be certain what that comment was 14 or where it was taken. So I'd have to 15 say no to you. I don't know.</p> <p>16 Q. Okay. I'm going to direct 17 you to --</p> <p>18 A. I know they gave us --</p> <p>19 Q. -- the back of this lengthy 20 presentation?</p> <p>21 A. I know they gave us all 22 kinds of charts and bar graphs and --</p> <p>23 Q. Mm-hmm. So it starts on 24 ALLERGAN_MDL_03302237.</p>
<p style="text-align: center;">Page 279</p> <p>1 A. The last four digits, 2227?</p> <p>2 Q. 2237.</p> <p>3 MS. LEVY: 37.</p> <p>4 THE WITNESS: Mine is a 5 blank page. My 2237 is virtually 6 a blank page.</p> <p>7 BY MS. ANTULLIS:</p> <p>8 Q. It should say, "Actavis top 9 50 pharmacy sales, 2010-2012."</p> <p>10 A. Yes. Okay.</p> <p>11 Q. If you look at it 12 horizontally. Okay.</p> <p>13 So let's flip to the first 14 page of that chart on the next page. Do 15 you see at the bottom right corner where 16 it says, "Source: ARCOS"? Very, very 17 far bottom right.</p> <p>18 A. That's what ARCOS is, okay.</p> <p>19 Q. Do you see that listed 20 there, ARCOS?</p> <p>21 A. Yes.</p> <p>22 Q. Does that help you refresh 23 your understanding as to --</p> <p>24 A. What ARCOS is.</p>	<p style="text-align: center;">Page 280</p> <p>1 Q. -- what ARCOS data is?</p> <p>2 A. Yes. It was a blank to me 3 before when you mentioned it.</p> <p>4 Q. So looking at this chart, it 5 says, "Top 50 pharmacies, sales of 6 oxycodone, 50 milligrams." There's an 7 NDC code, in 2010.</p> <p>8 A. Yes.</p> <p>9 Q. And then it lists buyers by 10 their DEA number, county, city, state, 11 total, et cetera.</p> <p>12 Do you have any 13 understanding of what this chart purports 14 to be tracking?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. What do you believe 17 this is?</p> <p>18 A. Well based on what I'm 19 looking at here, it's taking pharmacies 20 from across the country and classifying 21 them by rank and purchases using a 22 buyer's DEA number.</p> <p>23 Q. And is this -- to your 24 understanding, do you remember, is this</p>

<p style="text-align: center;">Page 281</p> <p>1       oxycodone manufactured by Actavis?</p> <p>2           A. Based on that NDC, it looks</p> <p>3       to me to be what was our NDC, yes.</p> <p>4           Q. Okay. So do you have any</p> <p>5       understanding of why the DEA was</p> <p>6       presenting you with the lists of the top</p> <p>7       pharmacies prescribing oxycodone</p> <p>8       manufactured by Actavis?</p> <p>9           A. Sure.</p> <p>10          Q. So what was your</p> <p>11       understanding of why they were presenting</p> <p>12       these lists?</p> <p>13          A. So it kind of falls in line</p> <p>14       to where we were taking our initiatives</p> <p>15       to the next level. And it also falls in</p> <p>16       line to my comment earlier, that they</p> <p>17       were impressed, because what we were</p> <p>18       doing, had we been given longer for this</p> <p>19       meeting, we would have been giving them</p> <p>20       this data, right, because it's looking</p> <p>21       at, you know, one pharmacy, and what</p> <p>22       product they're getting of yours from</p> <p>23       different sources.</p> <p>24          But the one thing I will say</p>	<p style="text-align: center;">Page 282</p> <p>1       is, now that I remember the term ARCos,</p> <p>2       the DEA -- and listen, I've been wrong</p> <p>3       before, but we've discussed this so many</p> <p>4       times. The DEA is the only one sitting</p> <p>5       with this data collectively rolled up</p> <p>6       from not -- and when I say rolled up in</p> <p>7       that term, I mean from Actavis, from</p> <p>8       whoever the other companies are,</p> <p>9       Mallinckrodt, Purdue, some of the names</p> <p>10      that you mentioned earlier, where, you</p> <p>11      know, we would never have visibility and</p> <p>12      the true full picture to what a pharmacy</p> <p>13      was getting at the end of the day.</p> <p>14          What we could tell and what</p> <p>15      our efforts were to make sure we knew</p> <p>16      what was happening with our product. But</p> <p>17      that's the limit of our ability.</p> <p>18          But the importance of the</p> <p>19      topic is, listen, it doesn't matter if</p> <p>20      they're getting one NDC of oxy 15.</p> <p>21      Because they may also be getting two or</p> <p>22      three others, and the collective picture</p> <p>23      is what matters.</p> <p>24          So to me that's a</p>
<p style="text-align: center;">Page 283</p> <p>1       challenging question, is -- whether it be</p> <p>2       Actavis or any other -- I can't speak for</p> <p>3       any other manufacturers. But those other</p> <p>4       manufacturers, just the same, they don't</p> <p>5       have our data. I mean, we wouldn't share</p> <p>6       data. We wouldn't get together and say,</p> <p>7       let's all see what pharmacy is getting</p> <p>8       what so that we can make sure that any</p> <p>9       one is not getting too much. So it's --</p> <p>10       it's complicated.</p> <p>11          And unless you're sitting in</p> <p>12       a spot where you have access to DEA</p> <p>13       information completely rolled up --</p> <p>14          Q. So my question was whether</p> <p>15       you had a sense of why the DEA was</p> <p>16       presenting a list of the top 50</p> <p>17       pharmacies prescribing</p> <p>18       Actavis-manufactured oxycodone.</p> <p>19          Is it your testimony --</p> <p>20       please correct me. Is it your testimony</p> <p>21       that the DEA was showing you this</p> <p>22       information to do a comparative analysis</p> <p>23       between Actavis and other manufacturers'</p> <p>24       sales of oxycodone?</p>	<p style="text-align: center;">Page 284</p> <p>1       A. I don't know if I could say</p> <p>2       that. That may have been the case. But</p> <p>3       not that I recall. If I had to summarize</p> <p>4       what I think it was about, it was</p> <p>5       twofold. Like creating an awareness, hey</p> <p>6       look, look at this data. And also what</p> <p>7       are you guys doing? Like, what's your</p> <p>8       process? It was really a twofold</p> <p>9       meeting.</p> <p>10          But I don't remember</p> <p>11       anything to do about what your question</p> <p>12       just was.</p> <p>13          Q. So are you saying that</p> <p>14       Actavis didn't have any insight into the</p> <p>15       other manufacturers' sales of oxycodone?</p> <p>16          A. At a customer level? I mean</p> <p>17       I can't imagine we would ever have any</p> <p>18       data of another manufacturer at a</p> <p>19       customer level. I mean I don't think</p> <p>20       that would ever happen.</p> <p>21          Would we have data in terms</p> <p>22       of overall units in the market and market</p> <p>23       share -- possibly. But, yeah, I don't</p> <p>24       know. I don't know which part of that</p>

<p style="text-align: center;">Page 285</p> <p>1 question, where you were going.      2 Q. Well, when you say customer      3 level, what are you -- what -- how are      4 you defining customer in that statement?      5 A. I mean would we be sitting      6 there and would the DEA be sharing with      7 us --      8 Q. No, my question is --      9 A. -- all the other      10 manufacturers?      11 Q. My question is --      12 MS. LEVY: Make sure you're      13 listening really carefully to the      14 question that she's asking you.      15 THE WITNESS: Yeah. Yeah.      16 BY MS. ANTULLIS:      17 Q. The question is what your      18 definition of customer is in your      19 statement when you said we don't have      20 customer level data on other      21 manufacturers' sales.      22 A. Okay. Thank you for the      23 clarification.      24 In that statement when I</p>	<p style="text-align: center;">Page 286</p> <p>1 referred to customer, I was trying to      2 speak in the same terms of this report      3 you're showing me. Customer is a DEA      4 registrant level.      5 Q. Okay. Were you familiar      6 with ARCOS data prior to this meeting?      7 A. Familiar, you know, heard      8 the term. But I did not utilize ARCOS      9 data. I don't even know who, if anyone,      10 had access. I don't know who had access      11 to ARCOS data.      12 Q. Have you ever seen ARCOS      13 data?      14 A. Well, if this is ARCOS data,      15 which it says it is, then this I've seen.      16 So, yes.      17 Q. Outside of these reports,      18 have you ever seen anything from the DEA      19 showing ARCOS data?      20 A. From the DEA outside of      21 this? I don't recall being shared any      22 additional ARCOS data.      23 Q. So I'm going to flip to      24 those colorful charts now.</p>
<p style="text-align: center;">Page 287</p> <p>1 A. Mm-hmm.      2 Q. So I'm going to go to the      3 beginning of those colorful charts.      4 There's a little page here that      5 explains --      6 MR. LOVRIEN: Can you direct      7 us to a page number?      8 MS. ANTULLIS: 2257 are the      9 last four digits. So it should      10 have the colored lettering.      11 BY MS. ANTULLIS:      12 Q. So please read that first      13 paragraph there.      14 It says, I'll just read it      15 into the record. It says, "The following      16 charts and graphs have been compiled from      17 ARCOS reports your firm has previously      18 submitted to DEA. The data was reviewed      19 and the purchases of a few of your      20 customers will be addressed during our      21 discussion."      22 Who at Actavis submits      23 information -- submits ARCOS -- who at      24 Actavis submits information to the DEA?</p>	<p style="text-align: center;">Page 288</p> <p>1 A. I do not recall. I know it      2 wasn't me. I believe -- I can't say,      3 because I would be guessing. I don't      4 recall the person.      5 Q. Do you know what -- okay.      6 Do you know what department would be      7 responsible for submitting ARCOS reports      8 to DEA?      9 A. I don't -- I don't -- no.      10 Q. Okay. I'm going to go ahead      11 and flip to the next page. So the next      12 page is a fun colored chart. It's titled      13 UPS Supply Chain Top Customer Sales in      14 Dosage Units of Oxycodone 50 Milligrams.      15 Then there is that NDC number again. Two      16 NDC numbers.      17 A. Mm-hmm.      18 Q. Do you recognize those NDC      19 numbers?      20 A. Yes.      21 Q. Okay. Are those Actavis      22 products?      23 A. Yes. I believe -- I believe      24 they both are.</p>

<p style="text-align: center;">Page 289</p> <p>1 Q. Do you recall -- so you'll 2 remember from the previous page it said 3 that the DEA said they want -- they 4 wanted to discuss certain customers with 5 you during the meeting. 6 Do you recall whether any of 7 these customers were actually discussed 8 with you during that meeting, the ones 9 that are listed on the charts? 10 Do you recall discussing 11 Walgreens during that meeting? 12 A. I don't -- I don't recall 13 any conversations ever pinpointed to one 14 customer or another, yeah. 15 Q. Okay. Do you recall looking 16 through these charts generally? 17 A. Yes. 18 Q. The colored charts? 19 A. Yes. 20 Q. Do you recall any discussion 21 regarding these colored charts? 22 A. Yes. I don't recall what -- 23 Q. Do you recall anything that 24 the DEA said to you regarding the colored</p>	<p style="text-align: center;">Page 290</p> <p>1 charts? 2 A. They went over the data and 3 they virtually said what we were seeing. 4 Q. Okay. So what did they say 5 we were seeing here? 6 What is your understanding 7 of what these charts reflect? 8 A. It's just giving us a 9 picture, by product, by NDC, by customer 10 and by volume for a certain time period 11 so that we can visually have that 12 discussion. 13 Q. Okay. So what was the 14 discussion regarding the data that's 15 depicted in these charts? 16 A. So the discussion once again 17 goes back to where the meeting started 18 and where we spent the bulk of our time. 19 I feel like this was like the end of the 20 meeting. We took maybe -- let's say the 21 meeting was three hours. We took the 22 first two hours. 23 So this was a very small 24 part of the meeting. The -- the meeting</p>
<p style="text-align: center;">Page 291</p> <p>1 was really focused on tell us about your 2 processes, what do you do, and then this 3 was kind of at the end from what I 4 recall. 5 Q. So do you recall any 6 discussion regarding these charts in 7 particular? 8 A. Not -- not deep discussions, 9 but discussions enough, you know, look at 10 the chart, turn the page, yeah. 11 Q. Okay. Do you recall any 12 action items that came out of this 13 meeting? 14 A. I don't know if they were 15 action items designated from the DEA, but 16 certainly we walked away -- I mean we -- 17 we looked at this as an opportunity -- 18 and we didn't look at this meeting as 19 punishment. We looked at this meeting as 20 an opportunity to make us better. 21 So we certainly walked away 22 with follow-up items, but I don't believe 23 those were like the DEA said, you know, 24 you need to go do this. I think we</p>	<p style="text-align: center;">Page 292</p> <p>1 walked away and made our own follow-up 2 items. 3 Q. Okay. So again I'll unpack 4 that a little bit. So my first question 5 then, which I believe you've answered. 6 I'm going to ask it and make it clear on 7 the record. 8 Did the DEA ask you to do -- 9 take any steps regarding your suspicious 10 order monitoring program following this 11 meeting? 12 A. I do not recall any specific 13 steps the DEA said we want you to take. 14 I know we took steps. But I don't recall 15 that coming from the DEA, as I recall it. 16 Q. So you -- did you meet with 17 your colleagues from -- from Actavis who 18 were present at this meeting after the 19 meeting? 20 A. At that very moment, like 21 that day or? 22 Q. That night. 23 A. I -- I don't believe so. 24 Not that I recall. I may have gotten on</p>

<p style="text-align: right;">Page 293</p> <p>1       a train right away.</p> <p>2           Q. Okay.</p> <p>3           A. But certainly we debriefed</p> <p>4       on it at some point, whether it was</p> <p>5       another day or another couple of days, I</p> <p>6       don't -- I don't recall.</p> <p>7           Q. Did you memorialize the --</p> <p>8       the contents of this meeting for any</p> <p>9       superiors at Actavis?</p> <p>10          A. Oh I'm sure we did. In what</p> <p>11       context --</p> <p>12          Q. But did you?</p> <p>13          A. -- I don't know.</p> <p>14          Q. Did you?</p> <p>15          A. Did I?</p> <p>16           I don't know if I would</p> <p>17       have, or John or Michael. I'm sure</p> <p>18       someone came back and, you know, like I</p> <p>19       would have come back and said to my boss</p> <p>20       how the meeting went. I'm sure they</p> <p>21       would have done the same, but I don't</p> <p>22       remember any formal nature of it. I</p> <p>23       don't -- I don't recall.</p> <p>24          Q. So you stated, you testified</p>	<p style="text-align: right;">Page 294</p> <p>1       that -- that you all, and I don't want to</p> <p>2       misstate your testimony. I'm probably</p> <p>3       going to here, so...</p> <p>4           You all designed action</p> <p>5       items following the meeting; is that</p> <p>6       correct?</p> <p>7           A. There were action items that</p> <p>8       came out as a result of this meeting that</p> <p>9       we -- we took away, that listen, let's</p> <p>10      take what we're seeing and figure out how</p> <p>11      to make us better, yeah.</p> <p>12          Q. So what were some of those</p> <p>13       things that you took away that would make</p> <p>14       you better?</p> <p>15          A. Having discussions with our</p> <p>16       wholesalers, you know, and meeting --</p> <p>17          Q. What would those discussions</p> <p>18       be about?</p> <p>19          A. -- meeting with our</p> <p>20       wholesalers.</p> <p>21           First of all, we -- we met</p> <p>22       with our key three wholesalers, McKesson,</p> <p>23       Cardinal and AmerisourceBergen, at their</p> <p>24       locations.</p>
<p style="text-align: right;">Page 295</p> <p>1           We went over the regulation</p> <p>2       to make sure we are all on the same page</p> <p>3       and had the same understanding. You</p> <p>4       know, had dialogue about things like that</p> <p>5       letter from 2007 and how vague it is and</p> <p>6       how the DEA, even if you put together</p> <p>7       this amazing system, still won't tell you</p> <p>8       that it's -- that it's what it needs to</p> <p>9       be.</p> <p>10          You know, but we really</p> <p>11       talked about the -- the regulation and</p> <p>12       the focus of -- of those initial meetings</p> <p>13       was us presenting, here just so you know,</p> <p>14       Mr. Wholesaler 1, 2, and 3, here is what</p> <p>15       we're doing and here is our expectation</p> <p>16       of you. That was really that intention.</p> <p>17       And that was -- yeah, that's what I can</p> <p>18       say.</p> <p>19          Q. Okay.</p> <p>20          A. I don't know the timing,</p> <p>21       like I don't know when that occurred</p> <p>22       though, to be honest.</p> <p>23          MS. ANTULLIS: How long --</p> <p>24       how long have we been going?</p>	<p style="text-align: right;">Page 296</p> <p>1           THE VIDEOGRAPHER: This</p> <p>2       session? 1 hour and 23 minutes.</p> <p>3           MS. ANTULLIS: Okay. So I</p> <p>4       think this is a good time to take</p> <p>5       a break if everyone is amenable to</p> <p>6       that. I need some water.</p> <p>7           THE VIDEOGRAPHER: Okay.</p> <p>8       Please remove your microphones.</p> <p>9       The time is 2:49 p.m. Off the</p> <p>10       record.</p> <p>11          (Short break.)</p> <p>12          THE VIDEOGRAPHER: We are</p> <p>13       back on the record. The time is</p> <p>14       3:10 p.m.</p> <p>15          BY MS. ANTULLIS:</p> <p>16          Q. Okay. Hi. Good afternoon.</p> <p>17          At any point during your</p> <p>18       employment at Actavis, were you the</p> <p>19       senior person in charge of the suspicious</p> <p>20       order monitoring program?</p> <p>21          A. Senior person in charge of</p> <p>22       executing and driving the project. But</p> <p>23       ultimately, it was owned by our</p> <p>24       compliance executives. I mean, they were</p>

<p style="text-align: center;">Page 297</p> <p>1       the owners. But I was managing it and 2       running it, so it depends on how you -- 3           Q. Who did you report -- did 4       you report to anybody regarding the 5       suspicious order monitoring program? 6           A. I reported to Michael 7       Perfetto, and informally I reported and 8       worked with legal and compliance, John 9       Duff and Michael Clark. 10          Q. Do you recall receiving 11       guidance or instructions from John Duff 12       and Michael Clark regarding the 13       suspicious order monitoring procedures 14       and policies? 15           A. Guidance from them? 16           Q. Mm-hmm. 17           A. Sure. They were part of the 18       project team. So yes. They would have 19       provided guidance. 20          Q. Who at Actavis reported 21       suspicious orders to the DEA when they 22       were discovered? 23           A. I can't be certain of that 24       answer.</p>	<p style="text-align: center;">Page 298</p> <p>1           Q. Do you know what department 2       reported suspicious orders to the DEA 3       when they were discovered? 4           A. I believe it may have been 5       our security group. But I -- I can't 6       recall with certainty. 7           Q. You discussed the security 8       group before. What did the security 9       do -- what did the security group do? 10           A. I'm not an expert on their 11       role and their job description. But very 12       high level, they had a lot of different 13       responsibilities, in terms of plant 14       security. You know, I don't really want 15       to speak to their roles. 16           Q. But -- 17           A. I'd rather not, because I 18       may not get it accurate. 19           Q. I understand. But you've 20       used the term "the security team" several 21       times. So I'm asking for what your 22       understanding is of what the security 23       team is generally, if you have an 24       understanding.</p>
<p style="text-align: center;">Page 299</p> <p>1           A. So what I can say in terms 2       of this project, because they have many 3       elements to their job, right, which I 4       can't speak to. But they were a part of 5       this initiative, that spanned across 6       different areas, right. You had my team 7       that was managing the orders and the 8       reports coming in. You had legal and 9       compliance. And I could still visualize 10       you know, something that I wrote to this 11       effect, that provided the legal input and 12       insight and guided us on the regulation 13       and all that. And then you had the 14       security -- I mean, I say -- it wasn't 15       like a huge department, I think it was 16       like one or two. And ultimately it was 17       them, if I recall correctly, that was 18       responsible for reporting. It's just 19       been so long. 20          Q. Who were the people in the 21       security department? 22           A. The only name I remember is 23       Kelly Smith. 24           Q. Kelly Smith. And was Kelly</p>	<p style="text-align: center;">Page 300</p> <p>1       Smith employed at Actavis the entire time 2       that you were there? 3           A. I don't know -- I don't know 4       her employment dates. I know for a 5       period of time that I was there. Who 6       came first, who left first, I don't 7       recall. 8           Q. Earlier you discussed a 9       security agreement, I believe in the 10       context of only specific departments 11       having access to the suspicious order 12       guidelines. 13           Do you recall that? 14           A. No. It wouldn't be having 15       access to guidelines. What I was 16       referring to, if it's the conversation I 17       believe you're referring to, is the 18       ability to release orders. That was 19       security driven just like entering an 20       order or releasing an order off credit 21       hold. Every command in the system was 22       driven by a set of security criteria in 23       terms of who had access to that. 24           Q. And that criteria -- is that</p>

<p style="text-align: center;">Page 301</p> <p>1 criteria memorialized in writing?</p> <p>2 A. I'm sure it would have to</p> <p>3 be.</p> <p>4 Q. How was the criteria</p> <p>5 communicated to you?</p> <p>6 A. Communicated to you? I</p> <p>7 believe there was a system-generated</p> <p>8 report that would show who had access to</p> <p>9 different commands. And even outside of</p> <p>10 SOM, any functional area was responsible</p> <p>11 to make sure that tasks and -- and</p> <p>12 processes and what I would call commands</p> <p>13 in the system were only accessed by those</p> <p>14 that were authorized to do so. And it</p> <p>15 was -- there weren't -- it was very few.</p> <p>16 Probably less than one hand that had that</p> <p>17 access.</p> <p>18 Q. Okay. So very few. You</p> <p>19 mean had access to --</p> <p>20 A. Yeah.</p> <p>21 Q. -- the suspicious order</p> <p>22 reports?</p> <p>23 A. Oh not the reports. No. I</p> <p>24 thought -- thought you were talking</p>	<p style="text-align: center;">Page 302</p> <p>1 about -- you mentioned the security</p> <p>2 earlier. And when I think of security,</p> <p>3 it's the mechanism and the ability to</p> <p>4 touch an order and release an order.</p> <p>5 Q. Okay.</p> <p>6 (Discussion off the record.)</p> <p>7 THE VIDEOGRAPHER: The time</p> <p>8 is 3:16 p m. Off the record.</p> <p>9 (Brief pause.)</p> <p>10 THE VIDEOGRAPHER: We are</p> <p>11 back on the record. The time is</p> <p>12 3:22 p m.</p> <p>13 BY MS. ANTULLIS:</p> <p>14 Q. So prior to the break, we</p> <p>15 were discussing the DEA suspicious order</p> <p>16 notifications, so who notified the DEA</p> <p>17 when there was a suspicious order.</p> <p>18 You testified, I believe,</p> <p>19 that the -- that the -- the security</p> <p>20 department would have been the one to</p> <p>21 notify the DEA of suspicious orders when</p> <p>22 discovered; is that correct?</p> <p>23 A. Yes, to the best of my</p> <p>24 knowledge.</p>
<p style="text-align: center;">Page 303</p> <p>1 Q. And was that -- was that the</p> <p>2 case both before the security -- the SOM</p> <p>3 enhancement and after?</p> <p>4 A. Yeah, I don't believe that</p> <p>5 wouldn't have been any different, that</p> <p>6 aspect.</p> <p>7 Q. What did you do when a</p> <p>8 pended order was deemed to be suspicious?</p> <p>9 A. So I'll be honest with you,</p> <p>10 I don't recall any specific customers or</p> <p>11 orders or details along that nature. And</p> <p>12 although we had many that got close,</p> <p>13 because we didn't have the information we</p> <p>14 needed, but eventually we were able to</p> <p>15 make sense of things.</p> <p>16 I can't tell you any</p> <p>17 specifics about orders that were</p> <p>18 suspicious, or how many there even were</p> <p>19 that were ultimately reported.</p> <p>20 Q. So do you recall any</p> <p>21 situation that you were involved in where</p> <p>22 a pended order was deemed suspicious</p> <p>23 after investigation?</p> <p>24 A. I know there -- there was at</p>	<p style="text-align: center;">Page 304</p> <p>1 least one. How many more I don't recall.</p> <p>2 But I don't know any details about it.</p> <p>3 It's been too long.</p> <p>4 Q. Okay. But is it -- so</p> <p>5 you've testified that -- that you</p> <p>6 remember at least one situation in which</p> <p>7 a pended order was deemed suspicious,</p> <p>8 that you were involved in?</p> <p>9 A. I believe -- I believe there</p> <p>10 was one.</p> <p>11 Q. Do you remember who you</p> <p>12 discussed that suspicious order with?</p> <p>13 A. Whatever the scenario was,</p> <p>14 and I don't recall the specifics, it was</p> <p>15 reported to the DEA. What the ultimate</p> <p>16 outcome was, in that specific scenario, I</p> <p>17 don't remember.</p> <p>18 Q. Do you remember who -- who</p> <p>19 that particular customer was?</p> <p>20 A. I -- I can't say for</p> <p>21 certain, when an order was reported as</p> <p>22 suspicious, who it would have been. I</p> <p>23 know there was -- there was one customer</p> <p>24 that just comes to mind that was -- that</p>

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<p>1 may have been someone we reported. But 2 if I say it, I may be wrong.</p> <p>3 Q. And so, during your time at 4 Actavis, and by your time at Actavis, I'm 5 referring to both 2008 through 2017.</p> <p>6 A. Mm-hmm.</p> <p>7 Q. Do you recall more than one 8 incident in which an order of interest 9 was investigated and deemed suspicious 10 that you were involved in?</p> <p>11 A. So my responsibility changed 12 for many of those years, so I wouldn't 13 have been necessarily part of that. So 14 there may have been some. But I don't 15 know. So I can't speak for some years.</p> <p>16 Q. All right. So are you 17 aware --</p> <p>18 A. In terms of what I'm aware, 19 I don't remember -- I don't remember a 20 number.</p> <p>21 Q. Do you remember if it was 22 more than one?</p> <p>23 A. I don't remember, no.</p> <p>24 Q. Do you remember if it was</p>	<p>1 more than ten?</p> <p>2 MR. LUXTON: Objection.</p> <p>3 MS. ANTULLIS: What's the 4 objection? I just don't -- I want 5 to understand if I can --</p> <p>6 MR. LUXTON: She said she 7 doesn't remember. So, I mean, you 8 can keep asking her. She says she 9 doesn't remember. So that's the 10 objection.</p> <p>11 BY MS. ANTULLIS:</p> <p>12 Q. Do you remember if it was 13 more than ten?</p> <p>14 A. Well, I don't remember it 15 being more than one, so I definitely 16 wouldn't remember it being more than ten.</p> <p>17 Q. So what would have been the 18 protocol prior to -- prior to the 19 enhancement in 2011 and 2012, what would 20 have been the protocol, or what was the 21 protocol when an order was deemed 22 suspicious?</p> <p>23 A. So very important, there was 24 never -- our process was such that maybe</p>
<p style="text-align: center;">Page 307</p> <p>1 there was, you know, one line on the 2 order that was suspicious. But maybe it 3 was a five or 50-line-item order.</p> <p>4 If something were deemed 5 suspicious the entire order was canceled. 6 You know, we couldn't take the quantities 7 and reduce it to a point that made it not 8 suspicious. You know, that's just not 9 how it worked. So the entire order, to 10 answer your question, would have been 11 canceled and reported to the DEA.</p> <p>12 Q. And who -- who did you 13 report that suspicious order 14 determination to?</p> <p>15 A. Well, like I said earlier, I 16 believe it was our DEA security group.</p> <p>17 Q. So you believed then that 18 you reported directly to that group, and 19 that group then reported the order to the 20 DEA; is that correct?</p> <p>21 A. Yes.</p> <p>22 Q. And your department then was 23 responsible for canceling the order; is 24 that correct?</p>	<p style="text-align: center;">Page 308</p> <p>1 A. Yeah. At that point, that 2 would be the limit of our ability, to 3 cancel the order.</p> <p>4 Q. Would you then notify the 5 customer that their order had been 6 canceled?</p> <p>7 A. Because I don't remember the 8 scenario of how many times it would have 9 happened, let alone when it happened. I 10 don't recall the details of how the 11 customer would have been communicated. I 12 would venture to guess it was handled in 13 a very sensitive, proper way. But I 14 don't recall.</p> <p>15 Q. Do you recall what the 16 protocol -- was there any protocol 17 regarding communications with customers 18 following a canceled order?</p> <p>19 A. They would be notified the 20 order was canceled.</p> <p>21 Q. Was any investigation 22 required following a canceled order into 23 the customer who placed the order?</p> <p>24 A. Investigation -- what type</p>

<p style="text-align: center;">Page 309</p> <p>1 of investigation?</p> <p>2 Q. Were you required to</p> <p>3 investigate the customer following a</p> <p>4 canceled order?</p> <p>5 A. I only remember one</p> <p>6 scenario. And to be honest, whether it</p> <p>7 was a suspicious scenario or not, we</p> <p>8 had -- I remember one scenario with a</p> <p>9 customer. And we were told by the DEA to</p> <p>10 continue business as normal. I think</p> <p>11 they were investigating them. They were</p> <p>12 on their radar, and they didn't want to</p> <p>13 do anything unusual.</p> <p>14 That's the only</p> <p>15 customer-specific scenario that I</p> <p>16 remember. It turns out that that</p> <p>17 customer was later -- we shut them down.</p> <p>18 We decided we didn't want to do business</p> <p>19 with them.</p> <p>20 Q. So then is it fair to say</p> <p>21 that there was no clearly delineated</p> <p>22 protocol for how to communicate with</p> <p>23 customers following the cancellation of a</p> <p>24 suspicious order?</p>	<p style="text-align: center;">Page 310</p> <p>1 A. Well, because we weren't</p> <p>2 deeming orders suspicious on a daily</p> <p>3 basis, there wasn't an everyday protocol.</p> <p>4 It wasn't something that happened every</p> <p>5 day. And the scenario may have been</p> <p>6 different. So we would have consulted</p> <p>7 our internal experts who would consult</p> <p>8 the DEA, and the scenario would have been</p> <p>9 handled based on their instruction.</p> <p>10 Q. And who were those internal</p> <p>11 experts that you would have consulted?</p> <p>12 A. Like I mentioned, our -- we</p> <p>13 have a compliance officer, and our</p> <p>14 security person, which is a former DEA.</p> <p>15 Q. Was there a group named DEA</p> <p>16 affairs at Actavis at any point?</p> <p>17 A. Yes, but not during this</p> <p>18 time period.</p> <p>19 Q. Okay. So DEA affairs as a</p> <p>20 group came into being after the 2011-2012</p> <p>21 enhancement?</p> <p>22 A. That's correct.</p> <p>23 Q. How did you consult</p> <p>24 compliance and security when you needed</p>
<p style="text-align: center;">Page 311</p> <p>1 information on how to approach a customer</p> <p>2 following a pended order, a suspicious</p> <p>3 order?</p> <p>4 A. Well, I have to say that</p> <p>5 your question is talking about how we</p> <p>6 approached the conversations. But when I</p> <p>7 said earlier this is not something that</p> <p>8 happened often, I was estimating it was</p> <p>9 once that we really had something that</p> <p>10 was finally deemed suspicious. So I</p> <p>11 don't really have a lot to say more about</p> <p>12 our protocol. It was -- I really can't</p> <p>13 say any more than I think I already have.</p> <p>14 Q. How would you -- did you</p> <p>15 consult compliance and security for</p> <p>16 guidance on issues related to the</p> <p>17 suspicious order monitoring program?</p> <p>18 A. When, if needed, sure. I</p> <p>19 mean, I was in a role to lead something.</p> <p>20 But that doesn't make you an expert, so</p> <p>21 you have to leverage your resources when</p> <p>22 you need them, yeah.</p> <p>23 Q. And how would you -- how</p> <p>24 would you consult with them? By what</p>	<p style="text-align: center;">Page 312</p> <p>1 method of communication would you consult</p> <p>2 with them?</p> <p>3 A. Could be any -- any method.</p> <p>4 It could be an e-mail. It could be a</p> <p>5 phone call. It could be walking down the</p> <p>6 hall and see them.</p> <p>7 Q. Did you ever e-mail</p> <p>8 compliance for questions about</p> <p>9 guidance -- for seeking guidance on</p> <p>10 suspicious order monitoring issues?</p> <p>11 A. I don't recall specifics.</p> <p>12 But it's possible.</p> <p>13 Q. Do you recall any phone</p> <p>14 calls to compliance regarding suspicious</p> <p>15 order monitoring issues?</p> <p>16 A. I don't recall specifics,</p> <p>17 but it's very possible. You know, I</p> <p>18 don't -- I don't know details.</p> <p>19 Q. Do you recall e-mailing</p> <p>20 security, the security department with</p> <p>21 specific -- with the questions about the</p> <p>22 suspicious order monitoring?</p> <p>23 A. My answer would be the same</p> <p>24 for that. It's possible. I don't</p>

<p style="text-align: right;">Page 313</p> <p>1 remember.</p> <p>2 Q. All right. So is it -- is</p> <p>3 it -- I just want to make sure I</p> <p>4 understood your testimony. From 2008 to</p> <p>5 2011 you reported -- your protocol was to</p> <p>6 report suspicious orders to security; is</p> <p>7 that correct?</p> <p>8 A. The earlier years, to be</p> <p>9 honest, before we made the enhancements,</p> <p>10 I don't recall who it was. I know that</p> <p>11 the later years of that period was</p> <p>12 security. Who it was before that, I</p> <p>13 don't recall.</p> <p>14 Q. So -- so you know then, so</p> <p>15 as of -- is it as of 2012 the security</p> <p>16 department is the team that you would</p> <p>17 have notified if there were suspicious</p> <p>18 order? Is that correct?</p> <p>19 A. I'm going to estimate around</p> <p>20 2011, '12. But that's not to say that it</p> <p>21 wasn't the same in 2010 or '9, I just</p> <p>22 don't remember.</p> <p>23 Q. So you don't -- so right.</p> <p>24 So then -- so then you do not remember</p>	<p style="text-align: right;">Page 314</p> <p>1 who you would have notified prior to</p> <p>2 2011; is that correct?</p> <p>3 A. I don't -- it's too long</p> <p>4 ago. I don't remember that.</p> <p>5 Q. Would you have been the only</p> <p>6 person in the customer service department</p> <p>7 who would have notified either security</p> <p>8 or whomever else was responsible for</p> <p>9 reporting the DEA orders?</p> <p>10 A. I -- yes.</p> <p>11 Q. So nobody else in the</p> <p>12 customer service department would have</p> <p>13 been responsible for contacting security</p> <p>14 to tell them about a suspicious order?</p> <p>15 A. No. They would be engaged</p> <p>16 in the initial process and the leg work</p> <p>17 and the due diligence. But it wouldn't</p> <p>18 have been left to them, no.</p> <p>19 Q. Okay. Do you recall -- let</p> <p>20 me just strike that question.</p> <p>21 Did Actavis ever halt</p> <p>22 shipments of opioids in quantities that</p> <p>23 it knew could not be justified?</p> <p>24 MR. LUXTON: Objection.</p>
<p style="text-align: right;">Page 315</p> <p>1 THE WITNESS: What does that</p> <p>2 mean? Okay. Did we halt</p> <p>3 shipments of opioids that we knew</p> <p>4 could not be justified? Well,</p> <p>5 that -- I mean, what you're saying</p> <p>6 is a suspicious order. That's the</p> <p>7 same question as what we had</p> <p>8 before.</p> <p>9 And I don't recall, like I</p> <p>10 said, if we had one order or a</p> <p>11 few. I don't remember.</p> <p>12 BY MS. ANTULLIS:</p> <p>13 Q. Okay. Following the</p> <p>14 September 2012 meeting with the DEA, did</p> <p>15 the DEA contact you again to request a</p> <p>16 follow-up meeting?</p> <p>17 A. I don't recall who</p> <p>18 specifically, but they did not contact me</p> <p>19 personally.</p> <p>20 Q. Do you remember who they</p> <p>21 contacted?</p> <p>22 A. No.</p> <p>23 Q. Did a meeting happen?</p> <p>24 A. Yes.</p>	<p style="text-align: right;">Page 316</p> <p>1 Q. Okay. When did that meeting</p> <p>2 happen?</p> <p>3 A. Like I said, it was</p> <p>4 approximately, give or take a month after</p> <p>5 the initial meeting, but I can't say with</p> <p>6 certainty.</p> <p>7 Q. Who from Actavis was at that</p> <p>8 meeting? Hold on.</p> <p>9 Were you at that meeting?</p> <p>10 A. Yes.</p> <p>11 Q. Who from Actavis besides you</p> <p>12 were at that meeting?</p> <p>13 A. I can't say with certainty,</p> <p>14 but I have a feeling it was certainly the</p> <p>15 same audience that went to Washington a</p> <p>16 month prior.</p> <p>17 Beyond that, anyone</p> <p>18 additional, I don't recall. I almost</p> <p>19 feel like it was a Part 2, the same</p> <p>20 audience.</p> <p>21 Q. So that meeting, that</p> <p>22 followed a month -- that occurred a month</p> <p>23 after the September 2012 meeting, was it</p> <p>24 with the same DEA officials?</p>

<p style="text-align: center;">Page 317</p> <p>1        A. I believe it was two 2 gentlemen. I don't know their names. 3 And I am almost positive that they were 4 in the same audience as the original 5 meeting. But it was only two versus what 6 was initially many. It was a much 7 smaller meeting.</p> <p>8        Q. Do you recall the -- the 9 conversation that occurred at that 10 meeting?</p> <p>11      A. Not specifically. It was 12 almost just a come back again and ask the 13 same questions, go through the same 14 things again. But I don't remember 15 anything specific that was -- stood out 16 to me as the real purpose of that 17 meeting.</p> <p>18      Q. Were there any action items 19 that arose from that meeting?</p> <p>20      A. None that I'm aware.</p> <p>21      Q. What was your understanding 22 of what that meeting's purpose was?</p> <p>23      A. Once again we were asked for 24 a meeting and you don't say no. You say</p>	<p style="text-align: center;">Page 318</p> <p>1        sure.</p> <p>2        Q. So suspicious order 3 monitoring enhancement started in -- at 4 some point in 2011; is that correct?</p> <p>5        A. Correct.</p> <p>6        Q. When did it go active, 7 the -- the new program?</p> <p>8        A. I don't have that date in 9 front of me to say for sure.</p> <p>10      Q. Might it have been 11 approximately the end of 2012?</p> <p>12      A. I don't think it was that 13 late, no. I mean, you had an 14 exhibitor -- exhibit earlier that spoke 15 about, hey, we just implemented this, we 16 want to shut it down. So it had to be 17 around that same time period.</p> <p>18      I -- I feel like the 19 project, in -- in its entirety was -- I 20 don't think it was that long. But I 21 don't -- I don't know a go-live date.</p> <p>22      Q. I just want to ask you 23 some -- some general questions about the 24 policies, and then I'm going to show you</p>
<p style="text-align: center;">Page 319</p> <p>1        a document and ask you some questions 2 about that related to the policies.</p> <p>3        A. Okay.</p> <p>4        Q. So you stated -- you 5 testified earlier that if there were a 6 suspicious order determined, you would 7 report that to the security department, 8 correct?</p> <p>9        A. Yes, but I also testified 10 that I was almost certain of that, but 11 not certain. I --</p> <p>12      Q. Okay.</p> <p>13      A. That's -- that is my 14 recollection.</p> <p>15      Q. So were there any -- did you 16 report that, that suspicious order to any 17 other groups within Actavis?</p> <p>18      A. It wouldn't have been 19 something that we broadly -- broadly 20 announced. Other groups? No other 21 specific groups that I can think of other 22 than legal and compliance.</p> <p>23      Q. And what was the role of 24 the -- you testified earlier that there</p>	<p style="text-align: center;">Page 320</p> <p>1        was a suspicious order monitoring 2 steering committee, correct?</p> <p>3        A. Yes.</p> <p>4        Q. And was that committee 5 implemented as part of the 2011 6 enhancements?</p> <p>7        A. Yes. And they were -- 8 essentially just sat there to ensure that 9 the effort -- the initiative was driven 10 and it was supported from top down. That 11 was the concept.</p> <p>12      Q. Do you ever report any 13 orders of interest to the steering 14 committee?</p> <p>15      A. Once again, not remembering 16 how many, if any, you know, had one, or 17 whatever it was, it's hard for me to say 18 if we did report it to the steering 19 committee.</p> <p>20      Q. So just to clarify --</p> <p>21      A. But --</p> <p>22      Q. -- for -- for you --</p> <p>23      A. -- it probably wouldn't 24 surprise me if we did.</p>

<p style="text-align: right;">Page 321</p> <p>1       Q. Did you -- did you report 2       any orders of interest? So I'm not 3       asking about -- 4       A. Orders of interest. 5       Q. -- suspicious orders, I'm 6       asking about orders of interest. 7       Did you ever report orders 8       of interest to the steering committee? 9       A. That really wasn't the 10      purpose of the steering committee to -- 11      to put orders in front of them that 12      weren't deemed suspicious. So -- 13      Q. So is that no? 14      A. I don't -- I don't know -- 15      it's an I don't know. I don't know 16      whether we'd be -- yeah, I don't know. 17      Q. Okay. What was the purpose 18      of the steering committee? 19      A. Steering committee was, as I 20      stated earlier, to provide support from 21      the top down regarding the initiative, to 22      ensure we had the resources we needed, 23      the funding to buy consultants. And the 24      support more than anything else, so that</p>	<p style="text-align: right;">Page 322</p> <p>1       whatever areas we needed support from, we 2       got it. I mean that was their role. 3       Q. And did -- did the 4       steering -- steering committee have any 5       role in investigating an order of 6       interest? 7       A. That wasn't their function. 8       Q. Did the steering committee 9       have any role in deciding whether or not 10      to report a suspicious order to the DEA? 11      A. That too wasn't their 12      function. 13      Q. Okay. So I'm going to show 14      you another document now, if I can find 15      it. 16      MS. ANTULLIS: It is 17      Number 55, sir. 18      (Document marked for 19      identification as Exhibit 20      Baran-11.) 21      MS. ANTULLIS: So Exhibit 11 22      is ALLERGAN_MDL_03382709. 23      THE WITNESS: Thank you. 24      BY MS. ANTULLIS:</p>
<p style="text-align: right;">Page 323</p> <p>1       Q. So Exhibit 11 appears to be 2       an e-mail with two attachments. Can you 3       please look at these two attachments and 4       just tell me if they are familiar to you? 5       A. Yes, they are. 6       Q. And in your e-mail, the 7       cover page, please take a look at that. 8       The subject line says direct and indirect 9       SOPs Actavis. And then it lists a file 10      name for the two attachments. 11      Do you see that? 12      A. Correct. 13      Q. So the first file name says 14      SOM SOP and business procedure direct 15      final.docx. The second one says SOM SOP 16      and business procedure indirect 17      final.dox -- docx. 18      Is it your understanding 19      then, looking at this e-mail and looking 20      at the attachments, that this represents 21      the final standard operating procedures 22      that were written for the direct and 23      indirect suspicious order monitoring 24      program in 2012?</p>	<p style="text-align: right;">Page 324</p> <p>1       A. Based on what I'm seeing on 2       October 26th, I would say yes, but that 3       doesn't necessarily imply that the 4       procedure was never modified. 5       Q. Okay. But do you have any 6       reason to suspect that the attachments 7       are not representative of final drafts? 8       A. I don't believe so. 9       Q. So I want to -- I only want 10      to ask you one question about this, other 11      than what I've already asked you, which 12      is, on Page 2713, which is Page 4 of 5 of 13      the first attachment. 14      A. Okay. 15      Q. In Section 9, it's titled 16      reporting a suspicious order to the DEA. 17      Do you see that at the bottom? 18      A. Yes. 19      Q. Okay. So 9.1 it says, "If 20      an order cannot be cleared of suspicion, 21      Actavis DEA affairs will alert the local 22      office of DEA by phone of the suspicious 23      order activity." 24      A. Correct.</p>

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<p>1 Q. Do you see that?</p> <p>2 A. Yes.</p> <p>3 Q. Is Actavis DEA affairs the</p> <p>4 same thing as the security department?</p> <p>5 A. That was the role. It's the</p> <p>6 same, one and the same.</p> <p>7 Q. So they are the same entity?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. Thank you. That was</p> <p>10 my question.</p> <p>11 Next. There we go. It's</p> <p>12 Tab Number 39. This is Exhibit 12.</p> <p>13 Actavis 1136380.</p> <p>14 (Document marked for</p> <p>15 identification as Exhibit</p> <p>16 Baran-12.)</p> <p>17 MS. ANTULLIS: Where is the</p> <p>18 rest of the document?</p> <p>19 MR. DEARMAN: Where is the</p> <p>20 rest of the document?</p> <p>21 MS. ANTULLIS: We're going</p> <p>22 to have to come back to that.</p> <p>23 No, actually, I'm sorry, but</p> <p>24 you're handing me the wrong</p>	<p>1 document.</p> <p>2 MR. DEARMAN: Okay. You</p> <p>3 asked for 39.</p> <p>4 MS. ANTULLIS: Did I? My</p> <p>5 apologies. 28. Sorry, guys.</p> <p>6 MR. DEARMAN: It shows on</p> <p>7 the realtime. You shouldn't have</p> <p>8 ordered the real-time if you</p> <p>9 didn't want it.</p> <p>10 MS. ANTULLIS: I believe it.</p> <p>11 It's because 39 is backwards</p> <p>12 right here, you see?</p> <p>13 MR. DEARMAN: Did you read</p> <p>14 the Bates range into the record?</p> <p>15 MS. ANTULLIS: I read that</p> <p>16 Bates range into the record as</p> <p>17 Exhibit 12.</p> <p>18 MR. DEARMAN: Okay. You</p> <p>19 did. So I just want to make sure</p> <p>20 we're not messing the exhibits up.</p> <p>21 MS. ANTULLIS: All right.</p> <p>22 So this should be Exhibit 12. And</p> <p>23 that is Tab 28.</p> <p>24 MR. DEARMAN: All right. So</p>
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<p>1 just state on the record that</p> <p>2 Exhibit 12 is, and the Bates</p> <p>3 range.</p> <p>4 MS. ANTULLIS: To clarify,</p> <p>5 Exhibit 12 is a Bates range</p> <p>6 starting at ACTAVIS_1136380.</p> <p>7 It's still not the right</p> <p>8 one.</p> <p>9 MR. DEARMAN: 29.</p> <p>10 MS. ANTULLIS: 28.</p> <p>11 Sorry, guys. Bear with us.</p> <p>12 MS. LEVY: Is that -- are</p> <p>13 you going to keep this Exhibit 12?</p> <p>14 MS. ANTULLIS: I don't know.</p> <p>15 I don't know what it is.</p> <p>16 BY MS. ANTULLIS:</p> <p>17 Q. So you testified earlier</p> <p>18 that following the meeting with the DEA</p> <p>19 in September of 2012, you scheduled</p> <p>20 meetings with the top three distributors,</p> <p>21 correct?</p> <p>22 A. Yes.</p> <p>23 Q. And so those distributors</p> <p>24 then would be AmerisourceBergen, Cardinal</p>	<p>1 Health, and McKesson, correct?</p> <p>2 A. Yes.</p> <p>3 Q. And so did you in fact have</p> <p>4 meetings with all three of those</p> <p>5 distributors?</p> <p>6 A. Yes, we -- yes, we did.</p> <p>7 Q. So Exhibit 12 appears to be</p> <p>8 an e-mail from you attaching a</p> <p>9 presentation. Does this -- do you</p> <p>10 recognize this document? Do you</p> <p>11 recognize the e-mail?</p> <p>12 A. I recognize the document.</p> <p>13 And the e-mail I just put my eyes on for</p> <p>14 the first time so -- okay.</p> <p>15 Q. Okay.</p> <p>16 A. Yep.</p> <p>17 Q. Do you remember sending this</p> <p>18 presentation to Michael Perfetto and</p> <p>19 Michael Clark and John Duff and John</p> <p>20 LaRocca?</p> <p>21 A. No, but I did.</p> <p>22 Q. Do you have any reason to</p> <p>23 believe that you didn't send this in the</p> <p>24 ordinary course of business?</p>

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<p>1       A. No.</p> <p>2       Q. So I want to go to the</p> <p>3 presentation. I am not going to ask</p> <p>4 about much of it. But there's -- there</p> <p>5 are some convenient charts in the back</p> <p>6 that I'd like to go over with you. So</p> <p>7 the first one starts at ACTAVIS_1136388.</p> <p>8       A. Yes.</p> <p>9       Q. So this appears to be a</p> <p>10 responsibility tree related to the SOM</p> <p>11 process; is that correct?</p> <p>12      A. Yes.</p> <p>13      Q. Is that your understanding?</p> <p>14       So it begins with SOM</p> <p>15 steering committee at the top. And then</p> <p>16 it has four branches. One is legal and</p> <p>17 regulatory, one is order monitoring, one</p> <p>18 is know your customer, one is DEA</p> <p>19 intelligence; is that correct?</p> <p>20      A. That's correct.</p> <p>21      Q. So do you fall -- does the</p> <p>22 customer service team fall into one of</p> <p>23 these prongs -- branches?</p> <p>24      A. We sit really in the two</p>	<p>1       middle categories.</p> <p>2       Q. Okay. So --</p> <p>3       A. Definitely the order</p> <p>4 monitoring piece for sure.</p> <p>5       Q. Okay.</p> <p>6       A. And can I read this just for</p> <p>7 one minute. It's just been a long time.</p> <p>8 I want to refresh my memory on this.</p> <p>9       MS. ANTULLIS: We can -- do</p> <p>10 you mind if we actually take a</p> <p>11 break for a minute?</p> <p>12      MR. DEARMAN: While she's</p> <p>13 reading this, I just want to talk</p> <p>14 to you for a second.</p> <p>15      MS. ANTULLIS: We don't need</p> <p>16 to take a break. What?</p> <p>17      MR. DEARMAN: You take off</p> <p>18 your thing. You don't need to</p> <p>19 take a break while she's reading.</p> <p>20      MS. ANTULLIS: Oh, all</p> <p>21 right. Go ahead.</p> <p>22      THE WITNESS: Yep, I only</p> <p>23 need one minute.</p> <p>24      THE VIDEOGRAPHER: Do you</p>
<p>1       want to stay on the record?</p> <p>2       MS. ANTULLIS: Yeah, go</p> <p>3 ahead.</p> <p>4 BY MS. ANTULLIS:</p> <p>5       Q. Did you have a chance to</p> <p>6 read that page?</p> <p>7       A. Well enough, yes. Thank</p> <p>8 you.</p> <p>9       Q. So does this page fairly</p> <p>10 represent what you understand to be the</p> <p>11 SOM reporting process following the 2012</p> <p>12 enhancement?</p> <p>13      A. I wouldn't define it as a</p> <p>14 reporting. It wasn't a reporting</p> <p>15 process. It was a roles and</p> <p>16 responsibilities more accurately stated.</p> <p>17      Q. So next I want to go to Page</p> <p>18 10 to that presentation, which is Actavis</p> <p>19 1136391.</p> <p>20      A. Yes.</p> <p>21      Q. Okay. Now, I apologize, it</p> <p>22 is hard to read. I promise you that it</p> <p>23 is better than the original copy I saw,</p> <p>24 which was black and white and much, much</p>	<p>1       harder. So let's just -- this appears to</p> <p>2 be, like, a decision tree for the</p> <p>3 indirect sales process in terms of how to</p> <p>4 determine whether or not an order is</p> <p>5 suspicious. Is that your understanding</p> <p>6 of what this page represents?</p> <p>7       A. Yes.</p> <p>8       Q. So, if you see the first</p> <p>9 green box at the top, it says, "ValueTrak</p> <p>10 data."</p> <p>11      A. Yes.</p> <p>12      Q. "Indirect sales, i.e.,</p> <p>13 customer's customer data," correct?</p> <p>14      A. Correct.</p> <p>15      Q. Again, do you know what that</p> <p>16 data contains?</p> <p>17      A. I know it could be easily</p> <p>18 answered by the right person. But I'm</p> <p>19 not the right person.</p> <p>20      Q. And that -- would that</p> <p>21 person be Rachelle Galant?</p> <p>22      A. Yes.</p> <p>23      Q. Okay. And so if you look at</p> <p>24 the top, the top orange arrow on your</p>
	83 (Pages 329 to 332)

<p style="text-align: center;">Page 333</p> <p>1 left, it says, "SOM steering committee 2 identifies criteria threshold for 3 customers of interest."</p> <p>4 Do you see that?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. And on the right 7 arrow, orange, it says, "DEA 8 intelligence, advising/counseling, 9 identifies products of interest based on 10 DEA input and market conditions."</p> <p>11 Do you see that?</p> <p>12 A. Okay.</p> <p>13 Q. Okay. So the SOM steering 14 committee then, is it correct to say that 15 they gave you -- that they were to 16 provide guidance on what criteria would 17 establish a customer of interest?</p> <p>18 A. The only guidance that that 19 would really be applying to is at a very 20 high level what our approach was. It was 21 a three-pronged approach that I spoke to 22 earlier, looking at how many different 23 sources a customer is buying from, their 24 historical purchases, and their purchases</p>	<p style="text-align: center;">Page 334</p> <p>1 compared to like customers. 2 It was really just coming up 3 with that foundation. It wasn't, you 4 know, anything deeper than that at that 5 level.</p> <p>6 Q. And do you have any 7 recollection -- well, first of all, if 8 you determined that a -- that there was a 9 customer of interest, would you 10 investigate that customer?</p> <p>11 A. Anything of interest would 12 be investigated, yes.</p> <p>13 Q. And if you deemed a customer 14 to be placing suspicious orders, if that 15 were the result of the investigation, who 16 would you, Nancy Baran, report that 17 information to?</p> <p>18 A. That's hard to say, because 19 it would probably be a combination. And 20 it's one of those things, it hasn't 21 happened too often, so I don't recall. 22 But it would have probably been a 23 combination of the legal, compliance, and 24 the DEA person. I mean, you have to</p>
<p style="text-align: center;">Page 335</p> <p>1 realize we weren't 700 people. It was 2 fairly simple and quick access to get to 3 someone you needed. They weren't very 4 far removed.</p> <p>5 Q. Looking at this chart, do 6 you believe that this accurately 7 represents what the decision tree would 8 have been at that time of October of 9 2012?</p> <p>10 A. Yes. However, I will go on 11 record stating that the indirect process 12 was something new. Like I said, even the 13 DEA said I don't think anybody else was 14 doing it. We were cutting edge. It was 15 new. And if we had continued this 16 process here, I'm sure it would have 17 changed five times.</p> <p>18 So to answer your question, 19 this reflects it as you see it as of this 20 time. Yeah.</p> <p>21 Q. Was the indirect suspicious 22 order monitoring process ever implemented 23 at Actavis prior to the Watson 24 acquisition?</p>	<p style="text-align: center;">Page 336</p> <p>1 A. Yes. 2 Q. Okay. During that time from 3 the time of implementation until the 4 Watson acquisition, did you ever deem a 5 customer to be of interest?</p> <p>6 A. That's the same answer as 7 before. I don't recall. I feel like 8 there may have been one. There could 9 have been more. But I don't remember.</p> <p>10 Q. Okay. I'm going to go, just 11 very quickly, to -- well, actually, I can 12 just ask generally. This presentation 13 was a presentation that you gave to 14 AmerisourceBergen; is that correct?</p> <p>15 A. I believe. I lost track of 16 where we're at.</p> <p>17 Q. Look at the title pages. 18 A. Yes, yes. 19 Q. Look at the title pages. 20 6382. 21 Do you recall what you 22 discussed at that presentation?</p> <p>23 A. The primary focus of that 24 meeting was engaging in dialogue and</p>

<p style="text-align: center;">Page 337</p> <p>1 coming across strong but not harsh 2 because they weren't the enemy. We had 3 no reason to believe they weren't 4 supported. We were coming across to give 5 our message on, listen, here's the 6 regulation as we understand it. Make 7 sure we're on the same page. Here's what 8 we're doing, and we expect your ongoing 9 support in the process. It was -- it was 10 that kind of meeting.</p> <p>Q. During that meeting, did 12 they explain their suspicious order 13 monitoring process to you?</p> <p>A. If they did, it would have 15 been very minimal. I don't believe that 16 was the purpose of this meeting, and 17 there was time for that. You know, I 18 don't recall. I don't think we got into 19 details at this meeting.</p> <p>Q. Sitting here now, are you 21 aware of what AmerisourceBergen's 22 suspicious order monitoring process was 23 as of October 2012?</p> <p>A. Sitting here now, I can't</p>	<p style="text-align: center;">Page 338</p> <p>1 speak a lot to it because I transitioned 2 out of that role very quickly after this, 3 and it became removed from my 4 responsibilities, so...</p> <p>Q. Were you aware as of 6 October 2012 of what AmerisourceBergen's 7 SOM policies and procedures were?</p> <p>A. I believe that's the same 9 question. I don't know their specific 10 policies. We know they had a process, 11 but my answer is the same as before.</p> <p>Q. So -- so my question is 13 actually just, were you aware of their 14 process at that time. I'm not asking 15 what the process was, I just want to know 16 if you were aware of it in October 2012.</p> <p>A. No. Was I aware of it in 18 detail, no.</p> <p>Q. Okay. So we're going to go 20 to another exhibit now.</p> <p>MS. ANTULLIS: I promise 22 it's Number 42. (Document marked for 23 identification as Exhibit</p>
<p style="text-align: center;">Page 339</p> <p>1 Baran-13.)</p> <p>MS. ANTULLIS: Okay. So 3 this is supposed to be Exhibit 13?</p> <p>MR. LOVRIEN: Yes.</p> <p>MS. ANTULLIS: And it's 6 ALLERGAN_MDL_01796473.</p> <p>THE WITNESS: Thank you.</p> <p>BY MS. ANTULLIS:</p> <p>Q. I apologize. This chart is 10 incredibly tiny.</p> <p>A. That's okay.</p> <p>Q. I don't actually have 13 questions about the chart though.</p> <p>A. Yeah, that's okay. I mean I 15 know what the concept of what it was and 16 what the purpose was for it, so...</p> <p>Q. So then do you recognize 18 that chart?</p> <p>A. Yes.</p> <p>Q. Do you recognize this 21 e-mail, e-mail chain?</p> <p>A. Yes.</p> <p>Q. Do you remember sending the 24 top e-mail?</p>	<p style="text-align: center;">Page 340</p> <p>1 A. I didn't read it yet. I'm 2 sorry. Okay.</p> <p>Q. Okay. So the -- this e-mail 4 references suspicious order letters. Can 5 you please explain to me what the 6 suspicious order letters were?</p> <p>A. To clarify, they were not 8 suspicious order letters.</p> <p>Q. Okay. Can you look at 10 the --</p> <p>A. Yeah.</p> <p>Q. -- the subject of the 13 e-mail. It says suspicious order 14 letters/update.</p> <p>A. Yeah, so it's -- suspicious 16 order letters may be misleading so I'll 17 explain what it was. We sent our 18 customers a letter outlining the 19 expectations of our relationship and what 20 we expected of them. And it was -- it 21 was a compliance agreement more than 22 anything else. And we asked for them to 23 sign off on the fact they were agreeing, 24 agreeing to what we were expecting.</p>

<p style="text-align: center;">Page 341</p> <p>1 Basically that's the only way I can 2 explain it.</p> <p>3 Q. And what were the 4 expectations that you outlined in that 5 letter?</p> <p>6 A. Following the -- the letter 7 of the regulations. I mean it was as 8 simple as that.</p> <p>9 Q. So why did you send your 10 customers a -- a letter asking them to 11 follow the regulations?</p> <p>12 A. This was part of our "know 13 your customer" initiative.</p> <p>14 Q. Okay. Were those letters 15 then sent out to all of your customers?</p> <p>16 A. Yes. That were buying 17 control drugs.</p> <p>18 Q. Okay. And how do you define 19 customer in the context of these letters?</p> <p>20 A. Anyone that we personally 21 were distributing to.</p> <p>22 Q. So who would that be?</p> <p>23 A. A whole list of --</p> <p>24 Q. Would that be -- would that</p>	<p style="text-align: center;">Page 342</p> <p>1 be wholesalers? 2 A. Yes. 3 Q. Would that be distributors? 4 A. Yes. 5 Q. Would that be pharmacies? 6 A. No. 7 Q. Would it be prescribers or 8 patients? 9 A. No. 10 Q. So how many wholesaler 11 customers did you have as of 2012, did 12 Actavis have as of 2012? 13 A. I don't recall the number. 14 Q. Do you recall approximately? 15 A. No. I know our customer mix 16 never changed much, but I don't know a 17 number to give you. 18 Q. Do you recall if it was more 19 than 100? 20 A. I don't know a number. 21 Q. All right. 22 A. I mean -- 23 Q. Okay. 24 A. It would be pretty easy to</p>
<p style="text-align: center;">Page 343</p> <p>1 find that out. But no, I don't have a 2 number to give.</p> <p>3 Q. Okay. So let's read the -- 4 the e-mail. It says, "I think we should 5 come up with a plan as to how we will 6 follow up with these customers. 30 7 customers out of 48 that we're selling 8 controlled drugs to is not" -- 9 "controlled drugs is not a great response 10 rate."</p> <p>11 What response rate are 12 you -- are you talking about in that 13 e-mail?</p> <p>14 A. The documents being returned 15 back to us signed.</p> <p>16 Q. Okay. So are you expressing 17 concern in this e-mail that customers are 18 not -- certain customers are not 19 returning the documents signed?</p> <p>20 A. Not as quickly as we would 21 have liked. So we were following up.</p> <p>22 Q. Okay. And then it says that 23 "two out of three of our top wholesalers 24 have not even responded," and in</p>	<p style="text-align: center;">Page 344</p> <p>1 parentheses it says ABC and McKesson. 2 And then it says, "Our 3 largest chains, Walgreens and Walmart, 4 have not responded." 5 Do you see that? 6 A. Yes. 7 Q. Okay. Did ABC ever respond 8 with the letter signed? 9 A. I don't recall who 10 ultimately signed. And then shortly 11 after this, as you can read in the 12 e-mail, I was transitioning and this role 13 was no longer mine. And -- and I think 14 it even says it in here somewhere, that I 15 was looking to hand it over as clean and 16 as diligent as possible. What would have 17 happened after that would not be for me 18 to know. 19 Q. Do you recall when you 20 handed it over to the next person who 21 took over responsibility for this role, 22 whether the record was clean as you put 23 it? 24 A. It was as clean as we got it</p>

<p style="text-align: center;">Page 345</p> <p>1 by that point, but I don't know to what 2 extent, if it looked like this, or 3 something else.</p> <p>4 Q. Do you remember if there was 5 still outstanding letters that had not 6 been returned at that time?</p> <p>7 A. There may have been. I 8 don't recall exactly.</p> <p>9 Q. Do you recall whether 10 McKesson ever sent -- returned a signed 11 letter?</p> <p>12 A. I don't recall. I would 13 like to -- I have something to say on the 14 topic if I can shed some light.</p> <p>15 Q. Let me ask just two 16 questions that are related, and then you 17 can -- you can do that.</p> <p>18 A. Okay.</p> <p>19 Q. Was -- did Walgreens ever 20 return a signed letter to your knowledge?</p> <p>21 A. I have no way of remembering 22 or knowing that. I don't -- don't -- 23 know.</p> <p>24 Q. Did Walmart ever returned a</p>	<p style="text-align: center;">Page 346</p> <p>1 signed letter to your knowledge? 2 A. Same -- same answer. 3 Q. Go ahead. 4 A. So I guess the very simple 5 way I would describe this without making 6 our transcript 900 pages, and this is 7 just my opinion, it doesn't mean it's 8 fact, but, you know, even after our 9 meeting with the DEA, and having them 10 hear what our initiatives were on the 11 indirect side and how we were engaging in 12 all these -- all of these "know your 13 customer" activities, to make sure that, 14 You know, our partnership with companies, 15 we were both doing what we should be, and 16 we were -- we were held accountable in 17 protecting the integrity of the supply 18 chain and preventing diversion. I mean 19 that's what we were there to do. 20 But when -- when I told you 21 earlier we left that meeting with the 22 impression like wow, here's -- I don't 23 think anybody -- I can't say for certain, 24 but I don't think anybody was doing this</p>
<p style="text-align: center;">Page 347</p> <p>1 yet. 2 So I know I took a long 3 route to get there, but what I'm telling 4 you is, I don't think, in my opinion, 5 these wholesalers or Walmart or whomever 6 else you just mentioned, were 7 nonresponsive because they didn't want to 8 agree to what we were asking to, I think 9 it was like wow, you know, we -- we hold 10 our customers to signing off on 11 agreements, but we've never had a 12 manufacturer do that to us. So it was 13 probably something new. And as you can 14 imagine, when something is new, it 15 probably gets picked up and someone is 16 like, well, I don't know, who in the 17 organization should sign that. And then 18 it goes on the next person's desk, and 19 then it sits there on two weeks because 20 they are traveling. I mean I imagine 21 that the slow response, in my best, most 22 professional opinion, is because, A, this 23 was new, it's something that these 24 organizations had to take, absorb.</p>	<p style="text-align: center;">Page 348</p> <p>1 I remember some of them say 2 okay, great, but I have to review this by 3 my legal, you know. 4 So it was really more of a 5 combination of it being new than them 6 wanting to reject us and be 7 nonresponsive. 8 I can't speak for why they 9 wouldn't have signed it like, that week. 10 That's not for me to speak to. But I can 11 speak to why some of the reasons I think 12 it took a little -- little bit longer 13 than we would have hoped. 14 Q. Okay. And do you have any 15 independent knowledge as to why McKesson, 16 AmerisourceBergen, Walgreens or Walmart 17 may have been slow in responding? 18 A. I think that's -- I think 19 that's in that explanation I just gave, 20 you know. 21 Q. Well, you prefaced your 22 explanation by saying it was an opinion. 23 I'm ask -- I'm asking if you have any 24 independent knowledge.</p>

<p style="text-align: center;">Page 349</p> <p>1        A. My only knowledge would be 2        in -- in hearing back from them, some of 3        them said, you know, it's not like they 4        were like -- they never said we don't 5        want to sign this. I never, ever heard 6        that. It was well, it's with legal, or 7        it's with this person or it's with that 8        person.</p> <p>9              But hopefully that answers 10          your question.</p> <p>11          Q. Did you ever contact anyone 12          at any of those four entities to ask 13          them, to inquire about the status of 14          the -- the letter?</p> <p>15          A. Me personally? Or did -- 16          did we? I'm not sure where that ended 17          up.</p> <p>18          Q. Did you personally?</p> <p>19          A. I -- I don't recall for 20          sure.</p> <p>21          Q. Did you request that anybody 22          else in your department follow up with 23          one of those four listed customers 24          regarding the status of their letter?</p>	<p style="text-align: center;">Page 350</p> <p>1        A. Possible. I don't recall. 2        Q. Bear with me. 3              So you have testified that 4              your role changed when Watson acquired 5              Actavis; is that correct? 6        A. Yes. 7        Q. And you testified previously 8        that part of that role change was the 9        elimination of suspicious order 10       monitoring responsibilities from your -- 11       your duties; is that correct? 12       A. I -- based on my earlier 13       testimony, the way I described it was 14       ownership and managing that process was 15       to take and -- and move to a department 16       called DEA affairs. 17              But what I did mention in my 18       earlier testimony, I'm almost positive, 19       was that it didn't remove me entirely 20       from involvement. If they had questions, 21       they would come to us and we were now -- 22       we were now a support group. 23       Q. And were you responsible for 24       investigating orders of interest when</p>
<p style="text-align: center;">Page 351</p> <p>1        they were discovered -- 2        A. No. 3        Q. -- at Watson? 4        A. No. We were not responsible 5        for the investigation. We were 6        responsible for -- the investigation they 7        were doing, if they needed our 8        assistance, that was our responsibility. 9        Q. What kind of assistance 10       would you provide? 11       A. Anything -- anything that 12       would be asked of us to look into, you 13       know, if a customer is new, you know, who 14       are they? Do we know who they are? Do 15       we have a contract with them? Anything 16       that would be asked of us. 17       Q. Do you recall what -- was 18       there an SOP post-Watson that addressed 19       suspicious order monitoring activity? 20       A. Oh, yeah. Absolutely. 21       Q. Do you recall what that 22       document would have been called? 23       A. No. No, I don't. 24       Q. Do you recall what the</p>	<p style="text-align: center;">Page 352</p> <p>1        procedures and policies were generally? 2        A. Generally, it was 3        accomplishing the same objectives. But I 4        can't speak any further to the policy. I 5        was not the author. 6        Q. I'm going to introduce 7        another document that may refresh your 8        recollection. Let's see. 9        MS. ANTULLIS: It is Tab 46. 10       It's going to be Exhibit 15 (sic). 11       ALLERGAN_MDL_02466960. 12       (Document marked for 13       identification as Exhibit 14       Baran-14.) 15       MR. LOVRIEN: Did you say 16       that was 14? 17       MR. DEARMAN: 14. 18       MS. ANTULLIS: Oh, it's 14. 19       MR. LOVRIEN: It is 14. 20       MS. ANTULLIS: You got the 21       sticker on me before I saw it 22       happen. 23       BY MS. ANTULLIS: 24       Q. All right. So I'll give you</p>

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<p>1       a chance to go through this for a minute.      2       I want to direct your attention first to      3       Page 4, the bottom of the document.      4           A. Okay.      5           Q. So this appears to be an      6       e-mail from you to Mary Woods, Sandra      7       Simmons, and Victoria Lepore. Sorry if      8       I'm butchering her name.      9           A. No, you're good.      10          Q. And the subject is "SOMs."      11       Go to this e-mail -- first of all, is      12       this an e-mail that you would have sent      13       in the ordinary course of business?      14           A. Sure.      15          Q. It says, "Can someone please      16       send me copies of any relevant documents      17       speaking to our SOMs programs? I'm      18       meeting with Teva. I need to speak      19       accurately to all of this."      20       Do you remember making that      21       request?      22          A. I don't remember. But it      23       doesn't surprise me.      24          Q. So what follows then from</p>	<p>1       Victoria Lepore is what appears to be      2       written policy of some sort regarding      3       suspicious orders. Please look at it and      4       tell me if this reflects your      5       understanding of what post-Watson SOM      6       activities entailed.      7           A. So I can't do that unless I      8       read this entire document. Because      9       there's a lot of information here. We      10       can do one of two things. I can tell you      11       that if they're sending this to me, this      12       is the process coming from the owners.      13       So I imagine -- I have no reason to      14       believe it wouldn't be. But if you want      15       me to sit and say this is everything that      16       I know -- first of all, I didn't know a      17       lot, because it wasn't my area.      18          Q. So, yeah, I think my      19       question is more, as of January 6, 2016,      20       would this have been -- would this have      21       been the policy then specific to Allergan      22       PLC?      23          A. I would imagine so. But I      24       would rather that answer come from the</p>
Page 355	Page 356
<p>1       group that managed it at that time.      2           Q. So you don't know then; is      3       that correct?      4           A. Yeah, I mean, first of all,      5       I would have to read through all that      6       horrendous long e-mail. I can speculate      7       with very good certainty as to why I may      8       have been asking.      9       We had an introductory      10       meeting, just really high level, hey,      11       here -- you know, here's my name, and      12       here's what I did at Actavis, kind of      13       thing. And I tend to be the type that      14       likes to drill in details and understand.      15       And I was probably educating myself so      16       that I didn't look like an idiot, you      17       know, in terms of that process. I was      18       probably just doing my homework is why I      19       was asking, because I wouldn't be asking      20       because I owned it, because I didn't own      21       the process.      22          Q. Understood.      23          A. Hopefully that answers your      24       question.</p>	<p>1       Q. Well enough. Thank you.      2       Okay. To your knowledge, did Actavis      3       make any public statements related to --      4       any public statements related to its duty      5       to report suspicious orders?      6          A. I'm sorry. I was      7       daydreaming for a moment. Can you repeat      8       that?      9          Q. It's getting late in the      10       day. Did Actavis make any public      11       statements related to its duty to report      12       suspicious orders?      13          A. So you're saying Actavis in      14       what time period?      15          Q. I'm using Actavis to refer      16       to the entity that you worked for from      17       2008 through 2017.      18          A. Okay. So we're back --      19          Q. 2008 through 2017.      20          A. Okay. So --      21          Q. I can ask specifically about      22       every company if you'd like.      23          A. It's okay. I don't know how      24       you would define a public statement, so I</p>

<p style="text-align: right;">Page 357</p> <p>1 don't know. What would be consistent of 2 a public statement? Do we have a 3 billboard? I mean, I don't know. Help 4 me with that.</p> <p>5 Q. I will help you with that. 6 We've got another document. It's 7 Exhibit 45.</p> <p>8 MS. ANTULLIS: Exhibit 9 Number 15.</p> <p>10 ACQUIRED_ACTAVIS_02236096. (Document marked for 11 identification as Exhibit 12 Baran-15.)</p> <p>13 BY MS. ANTULLIS:</p> <p>14 Q. Do you recognize this e-mail 15 exchange? 16 A. I -- I do now. But it's 17 something I totally forgot about. 18 Q. Okay. 19 A. But I'd have to read it to 20 remember what the details were. 21 Q. But you recognize it? 22 A. Based on the person that 23 sent it, yeah. 24</p>	<p style="text-align: right;">Page 358</p> <p>1 Q. Okay. And do you recognize 2 the attachment? 3 A. Yes. 4 Q. Okay. So please go ahead 5 and read through the e-mail exchange. 6 A. Okay. So I haven't read the 7 entire letter in the back. But I get the 8 gist of what it was doing at the time. 9 Q. And I don't have specific 10 questions about the letter. 11 A. Okay. 12 Q. What I would like to know is 13 whether or not -- do you know whether or 14 not this campaign was ever implemented? 15 A. Yes. 16 Q. Okay. Was this campaign 17 ever implemented? 18 A. Yes, it was. 19 Q. And how was it implemented? 20 A. I wasn't involved with the 21 implementation, so I don't have the 22 details. But I recall some aspects of 23 it. 24 Q. Okay. So I'm just going to</p>
<p style="text-align: right;">Page 359</p> <p>1 ask you a few questions, and then we're 2 going to take a break and then we might 3 be close to finishing. 4 So do you know whether or 5 not Actavis belonged to the -- certain 6 trade organizations, any trade 7 organizations? 8 A. It depends. Do you define 9 that trade organization like HDMA or 10 NACDS? That's a trade organization. 11 Q. So do you know if Actavis 12 ever belonged to the Healthcare 13 Distribution Alliance? 14 A. I'm not familiar with that. 15 So I don't know. 16 Q. Okay. If I called it the 17 HDA, would that make more sense? Do you 18 know if Actavis ever -- 19 A. HDMA, but not HDA. 20 Q. So we'll go with the 21 Healthcare Distribution Management 22 Association. Do you know if Allergan 23 ever belonged to the HDMA? 24 A. I don't know how HDMA works,</p>	<p style="text-align: right;">Page 360</p> <p>1 if it's -- a corporation belongs to it or 2 if individuals belong to it. I know that 3 I was not a personal member. But I know 4 that there were employees who were. 5 Q. Do you recall ever 6 participating in any webinars or any 7 other meetings related to the HDMA? 8 A. We had a conference, like an 9 HDMA conference. 10 Q. Do you recall a specific 11 conference that you attended? 12 A. No, it was just like a 13 meeting where you meet with your 14 customers. And from what I remember, I 15 think that was the one I mentioned 16 earlier. I think I only went once. It 17 was kind of like speed dating. 18 You know, it's just a chance 19 where all your customers are in one place 20 at the same time, and you have many 21 meetings. It's not like you're there to 22 achieve any major objectives. It's more 23 like get together, hey, what are the big 24 subjects, how are things going.</p>

<p style="text-align: center;">Page 361</p> <p>1        They -- they joked and they 2        referred to it as speed dating. I don't 3        know much more about HDMA than that. 4        Sorry.</p> <p>5        Q. You don't have to apologize. 6              Did you ever give a 7        presentation regarding suspicious order 8        monitoring issues to a conference?</p> <p>9        A. To a conference? No, I 10       don't believe so. I've only been to a 11       few conferences and they wouldn't have 12       been something that I presented.</p> <p>13       Q. Have you ever authored any 14       articles regarding suspicious order 15       monitoring?</p> <p>16       A. Articles, no.</p> <p>17       Q. Have you ever participated 18       on any panels regarding suspicious order 19       monitoring?</p> <p>20       A. No.</p> <p>21       Q. As part of your meetings 22       with AmerisourceBergen, Cardinal and 23       McKesson, following the September 2012 24       DEA conference, did you enter into any</p>	<p style="text-align: center;">Page 362</p> <p>1        agreements with them regarding the duty 2        to prevent diversion?</p> <p>3        A. There were no agreements on 4        that topic that I'm aware of, no.</p> <p>5        MS. ANTULLIS: I think we're 6        going to go off the record now and 7        take a break.</p> <p>8        THE VIDEOGRAPHER: The time 9        is 4:28 p m. Off the record.</p> <p>10       (Short break.)</p> <p>11       THE VIDEOGRAPHER: We are 12       back on the record. The time is 13       4:40 p m.</p> <p>14       BY MS. ANTULLIS:</p> <p>15       Q. All right. So I just have a 16       couple of follow-up questions for you, 17       and I will be done.</p> <p>18       First question is, during 19       any of the breaks that we've taken today 20       have you discussed your testimony that 21       you've given with your attorneys?</p> <p>22       A. Not more than, you know, 23       you're doing a great job, you know, very 24       basic like that. This is my first</p>
<p style="text-align: center;">Page 363</p> <p>1        experience, so...</p> <p>2        THE VIDEOGRAPHER: Your 3        microphone is not on.</p> <p>4        MS. ANTULLIS: So sorry.</p> <p>5        BY MS. ANTULLIS:</p> <p>6        Q. I just want to make sure I'm 7        understanding prior testimony. So I'm 8        going to ask again -- and I apologize if 9        it seems repetitive. Would there be a 10       record of every investigation you 11       performed of an order of interest?</p> <p>12       A. Yes. But those records -- 13       well let me step back.</p> <p>14       Really, two different time 15       periods. Which time period are you 16       referring to?</p> <p>17       Q. What are the two different 18       time periods?</p> <p>19       A. The original -- the original 20       process and the enhanced process.</p> <p>21       Q. Okay. So is the original 22       process the process that was in place 23       from 2008 when you started and before and 24       through 2011?</p>	<p style="text-align: center;">Page 364</p> <p>1        A. Correct.</p> <p>2        Q. So for that original 3        process, would there be a record of every 4        investigation that you performed 5        regarding an order of interest?</p> <p>6        A. I really can't say if those 7        would even exist anymore. I don't -- I 8        don't know.</p> <p>9        Q. So would you have created a 10       record of every investigation you 11       performed on an order of interest?</p> <p>12       A. Created, yes. Existing 13       today, is what I thought the question 14       was.</p> <p>15       Q. Just whether -- whether it 16       existed -- whether you ever created one, 17       is the question I asked.</p> <p>18       A. Existed, yes.</p> <p>19       Q. Okay. And for the second 20       time period, I presume is from 2011 21       through the Watson acquisition; is that 22       correct?</p> <p>23       A. Correct.</p> <p>24       Q. Okay. So would there be a</p>

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<p>1 record of every investigation you      2 performed on an order of interest during      3 the second time period?</p> <p>4 A. Yes.</p> <p>5 MS. ANTULLIS: Okay. I'm      6 going to introduce. Exhibit      7 Number -- what is it? It's Tab      29.</p> <p>9 MR. DEARMAN: 16.</p> <p>10 MS. ANTULLIS: 16. Exhibit      11 Number 16.</p> <p>12 MR. DEARMAN: Not doing my      13 job, am I?</p> <p>14 MS. ANTULLIS: Thank you.      15 (Document marked for      16 identification as Exhibit      17 Baran-16.)</p> <p>18 MS. ANTULLIS: It's      19 ACQUIRED_ACTAVIS_00667194.      20 29, my friend. 29.</p> <p>21 BY MS. ANTULLIS:</p> <p>22 Q. It is a very short e-mail.</p> <p>23 A. Okay.</p> <p>24 Q. Okay. So in the first</p>	<p>1 e-mail in this chain, you appear to be      2 discussing new business taken on by      3 McKesson, correct?</p> <p>4 A. Yes.</p> <p>5 Q. Which includes oxy      6 50 milligrams and 30 milligrams,      7 oxymorphone, et cetera.</p> <p>8 A. Yes.</p> <p>9 Q. You state, "I believe this      10 to be the business ABC was losing."      Was ABC AmerisourceBergen?</p> <p>11 A. Correct.</p> <p>13 Q. And do you remember what      14 business they were losing at that time?</p> <p>15 A. My recollection has -- and I      16 would never have remembered the customer      17 name, but it's here in writing, so that's      18 helpful, is ABC had done some due      19 diligence and had made a decision for      20 whatever reason that I can't speak to,      21 that they -- they were cutting off Topco.</p> <p>22 And the reason that it came      23 across our desk is Topco then must have      24 went elsewhere to purchase what they</p>
Page 367	Page 368
<p>1 weren't getting from another wholesaler.</p> <p>2 Q. So how did you know that ABC      3 lost that -- for lack of a better word,      4 lost that business?</p> <p>5 A. It must have -- I can't say      6 for certain what the conversation was and      7 how it was communicated. But it must      8 have been communicated some way. Because      9 it may have been quantities that would      10 have impacted their overall forecast. So      11 they probably would have told us that,      12 hey, you know, we've shed a customer for      13 whatever reason. You may not even have      14 known. So our monthly usage on products      15 X, Y, and Z are going to go from this to      16 this. And that's how it could have gone.      17 I can't put myself back in that moment in      18 time. But that's how I would envision it      19 would have gone down.</p> <p>20 Q. So then -- then you say,      21 "The problem doesn't go away. It just      22 shifts."</p> <p>23 A. Yes.</p> <p>24 Q. What problem are you</p>	<p>1 referring to in that -- in that sentence?</p> <p>2 A. The problem I would describe      3 is, you know, at the end of the day,      4 we're all in this together. We all have      5 the same objectives. But it's one thing      6 for a manufacturer to be communicating      7 with one of its customers, let's just say      8 a wholesaler, because they do business      9 together. But, you know, is it realistic      10 to say -- I don't know. I think you'd      11 have to ask a wholesaler. If a      12 wholesaler makes a decision for whatever      13 reason not to sell to someone, maybe they      14 are just not comfortable in what their      15 warehouses look like. I don't know.      16 Would they share that across the supply      17 chain so that all other wholesalers would      18 be in on it? Highly, highly doubtful.      19 They're -- they're not working across one      20 another.</p> <p>21 So the purpose of this      22 e-mail was, like, look, what we think      23 this customer deemed is a problem,      24 whatever their problem was, you know, we</p>

<p style="text-align: center;">Page 369</p> <p>1 may need to somehow get some information 2 to McKesson, because McKesson may be 3 taking on something that they may not 4 wish to, and they may not be aware.</p> <p>5 Q. Okay. So I want to make 6 sure I understand your testimony. I 7 asked you what problem meant, the word 8 "problem" in the context, this sentence.</p> <p>9 A. Problem.</p> <p>10 Q. Is it your testimony that 11 the problem is whatever problem 12 Cardinal -- ABC had with this customer?</p> <p>13 A. No. My definition of 14 problem would have been, you know, 15 information sharing from one competitor 16 to another.</p> <p>17 Q. Okay. So then, do you 18 believe that this sentence saying, "This 19 problem doesn't go away. It just 20 shifts," is related to the sharing of 21 information?</p> <p>22 A. Yeah. I mean one customer 23 makes a determination for whatever logic 24 and due diligence they use to come up</p>	<p style="text-align: center;">Page 370</p> <p>1 with it, and it -- you know, the customer 2 now is going to go elsewhere, and it 3 shifts the problem, and then you hope 4 that the next customer's due diligence is 5 just as sufficient to make the same 6 informed decision.</p> <p>7 And I'm sure, I have no 8 reason to believe McKesson, you know, may 9 have ended up in that same direction, but 10 maybe not initially. Maybe they wouldn't 11 have had --</p> <p>12 Q. So my --</p> <p>13 A. -- the information.</p> <p>14 Q. I don't actually think that 15 we're all that far apart from 16 understanding each other.</p> <p>17 A. Okay.</p> <p>18 Q. I don't. And maybe my 19 questions are just not clear. 20 I'm just trying -- when you 21 say, "The problem doesn't just go away. 22 It just shifts," I'm trying to understand 23 what the word "problem" means. And so 24 you explained it as the failure to</p>
<p style="text-align: center;">Page 371</p> <p>1 properly communicate across entities, 2 right? And you've also, in the context 3 of your sentences, explained it as the 4 problem at Topco, whatever that problem 5 was with that customer.</p> <p>6 I'm trying to understand 7 what the correct definition of the word 8 is in this context that you were using.</p> <p>9 A. I'll try to explain that 10 better, hopefully. If there's something 11 in the due diligence, and whatever that 12 may have been, that made a wholesaler 13 uncomfortable to supply for whatever 14 reason -- like I said, it could be that 15 they didn't like the way their warehouse 16 looked, or they didn't like the size of 17 their vault. I don't know. I can't 18 speak to the background.</p> <p>19 But the problem is, is that 20 that's great, someone in their due 21 diligence made a decision that they don't 22 want this customer to get whatever the 23 product is. But the problem shifts now, 24 because just like a patient that can't</p>	<p style="text-align: center;">Page 372</p> <p>1 get a drug at one pharmacy, do you think 2 they give up? They're going to go to 3 another one.</p> <p>4 It's probably the same for 5 customers. So that's kind of how I'm 6 loosely using the word. The problem 7 doesn't shift. You know -- they're 8 moving from one to another.</p> <p>9 Q. I think I understand well 10 enough.</p> <p>11 A. Does that make sense?</p> <p>12 Q. It does. So the next 13 sentence you say, "This is where refusing 14 chargebacks may eventually need to come 15 in."</p> <p>16 Earlier you testified in 17 your role in customer service, you didn't 18 have much, if anything, to do with 19 chargebacks; is that correct?</p> <p>20 A. Yeah, I -- that's correct.</p> <p>21 Q. Okay. So in -- in this 22 sentence here where you say, "This is 23 where refusing chargebacks may eventually 24 need to come in," what did you mean?</p>

<p style="text-align: center;">Page 373</p> <p>1        A. So I did not administer. It      2 was not my role. But that was somebody's      3 concept at the time, I don't recall who,      4 of a reassurance to make sure, if there's      5 a customer out there we don't want buying      6 a certain product, and it could be any      7 product, even a noncontrol, a pretty easy      8 way of -- of administering that is cut      9 off chargebacks, because then the      10 wholesalers won't -- won't get paid and      11 then they'll -- they won't do business.      12 And that's how they will find out      13 something that maybe they didn't know,      14 You know. I don't know. I can't speak      15 to that concept, it wasn't mine, the      16 idea. But it was a concept that existed      17 as a way of, you know, so we don't have      18 to be looking over our shoulder and      19 making sure we're catching this every      20 moment. It was a foolproof of trying to      21 say, hey, this is one way to make sure      22 that they don't move to somebody else.</p> <p>Q. Do you remember if -- if      24 chargebacks were eventually refused to --</p>	<p style="text-align: center;">Page 374</p> <p>1        A. To anybody?      2        Q. -- to anybody?      3        A. It wouldn't be impossible or      4 unlikely, but not specifically that I'm      5 aware of.      6        Q. Okay. So I've just got one      7 more document and we're done.      8              MS. ANTULLIS: It is Tab 21.      9              MR. DEARMAN: 17.      10          MS. ANTULLIS: Exhibit 17 is      11              ACQUIRED_ACTAVIS_01370513.      12              (Document marked for      13 identification as Exhibit      14 Baran-17.)      15 BY MS. ANTULLIS:      16          Q. So the first e-mail starts      17 on the second to last page I believe.      18 Third to last page. It starts with,      19 "Good morning, Nancy."      20          A. Okay. So I've read the      21 initial e-mail to get a glean on what      22 this is about. And if you have a lot of      23 questions, then I would want to read the      24 rest. But maybe tell me what your</p>
<p style="text-align: center;">Page 375</p> <p>1 question is first to save us all time.</p> <p>Q. Well, I have questions about      3 the context of that -- that beginning      4 e-mail.</p> <p>A. Oh.</p> <p>Q. I also want to know whether      7 the suggested program was ever      8 implemented.</p> <p>A. Okay.</p> <p>Q. I assume when I ask you that      11 question you're going to tell me you need      12 the rest -- to read the rest of the      13 e-mail.</p> <p>So we can -- I can ask the      15 question and we can --</p> <p>A. No, I'm comfortable with      17 answering that question.</p> <p>Q. Okay. All right. So this      19 appears to be an e-mail from someone      20 named Robert Williamson with Cegedim. Do      21 you remember him?</p> <p>A. Mm-hmm. Yes, I do.</p> <p>Q. Okay. Did you have frequent      24 communications with Robert Williamson?</p>	<p style="text-align: center;">Page 376</p> <p>1        A. I wouldn't call it frequent,      2 but he was like our partner with -- with      3 Cegedim and I believe, I'm almost      4 100 percent certain, he was the gentleman      5 that went with me to McKesson. We were      6 doing this "know your customer" and --      7 and implementing this visit our customers      8 and roll out our project, tell, them, you      9 know, what we're doing, what our      10 expectations were.</p> <p>And we had an opportunity to      12 hire someone to help us have all these      13 conversations meaning bringing an expert      14 with us in every single customer      15 conversation. We're doing like a      16 train-the-trainer. You know, help make      17 sure that I have the expertise I need to      18 be leading these discussions. And that's      19 what his role was.</p> <p>Q. And so did a representative      21 of Cegedim come with you on your site      22 visit to Cardinal Health?</p> <p>A. I --</p> <p>Q. To any site visit to</p>

<p style="text-align: center;">Page 377</p> <p>1      Cardinal Health.</p> <p>2            A. I can't be certain. I think</p> <p>3      the only one may have been McKesson that</p> <p>4      I recall.</p> <p>5            Q. Okay. Okay. So first of</p> <p>6      all, who is Paul Hamby?</p> <p>7            A. He is just one of the bosses</p> <p>8      at -- at Cegedim.</p> <p>9            Q. And Jonathan Kuhn?</p> <p>10          A. Jonathan Kuhn is the Ph.D.,</p> <p>11      statistical guy, that wrote the</p> <p>12      algorithms to our new model.</p> <p>13          Q. Who is Jason Owen?</p> <p>14          A. I don't know who he is.</p> <p>15          Q. Okay. Before we look at the</p> <p>16      context -- look at this document in</p> <p>17      particular, you mentioned the algorithm</p> <p>18      that Cegedim wrote. Was that algorithm</p> <p>19      written for your direct SOM?</p> <p>20          A. Yes.</p> <p>21          Q. Did they write an algorithm</p> <p>22      for your indirect SOM?</p> <p>23          A. That's what this e-mail is</p> <p>24      pertaining to. They wanted to.</p>	<p style="text-align: center;">Page 378</p> <p>1            Q. Were they ever hired to</p> <p>2      write an algorithm for your indirect SOM?</p> <p>3            A. No. They -- they heard of</p> <p>4      our great concept and loved what we were</p> <p>5      doing and they wanted to get in on it.</p> <p>6            Q. Have you -- are you able to</p> <p>7      discuss the algorithm for the direct SOM?</p> <p>8      I'm not asking you to do so. I'm just,</p> <p>9      are you able to?</p> <p>10          A. Very high level. I can't</p> <p>11      tell you mathematically and statistically</p> <p>12      how it was designed.</p> <p>13          Q. Okay. Who would be able to</p> <p>14      do that?</p> <p>15          A. In terms of the actual</p> <p>16      algorithm? The only one that I'm aware</p> <p>17      of would that be the one that wrote it.</p> <p>18          Q. And would that be Jonathan</p> <p>19      Kuhn?</p> <p>20          A. Yeah, he's the expert.</p> <p>21          Q. So in this e-mail, as you</p> <p>22      said, they are approaching you with an</p> <p>23      idea for an indirect SOM algorithm or</p> <p>24      process, right.</p>
<p style="text-align: center;">Page 379</p> <p>1            And Robert says, "I've been</p> <p>2      meaning to discuss with you the use of</p> <p>3      Actavis chargeback data in conjunction</p> <p>4      with the SOM program."</p> <p>5            He says, "From the outset I,</p> <p>6      we, Jonathan and I, have been intrigued</p> <p>7      by the so-called chargeback data. From</p> <p>8      what we were able to glean during our</p> <p>9      on-site SOM discussions and with some</p> <p>10     peripheral follow-up with other clients,</p> <p>11     this data shows what Actavis products are</p> <p>12     purchased from Actavis' customers'</p> <p>13     customers."</p> <p>14          A. Mm-hmm. Correct.</p> <p>15          Q. Is it your understanding</p> <p>16      that Actavis -- that chargeback data</p> <p>17      maintained by Actavis showed what Actavis</p> <p>18      products were purchased from Actavis'</p> <p>19      customers' customers?</p> <p>20          A. That area is a little grey</p> <p>21      to me when you start talking about</p> <p>22      chargebacks. All I know, it was the data</p> <p>23      that we were getting from the ValueTrak</p> <p>24      system. And what those feeds were coming</p>	<p style="text-align: center;">Page 380</p> <p>1            in, Rachelle Galant would be a very good</p> <p>2      person to ask to. I would just be</p> <p>3      sitting here struggling.</p> <p>4          Q. Okay.</p> <p>5            (Discussion off the record.)</p> <p>6            - - -</p> <p>7            EXAMINATION</p> <p>8            - - -</p> <p>9          BY MR. DEARMAN:</p> <p>10          Q. One question.</p> <p>11          Would you be surprised to</p> <p>12      hear that the data that was available was</p> <p>13      prescriber level?</p> <p>14          MS. LEVY: Object to the</p> <p>15      form.</p> <p>16          THE WITNESS: Okay. And I</p> <p>17      can still answer it once I think</p> <p>18      about what that question was?</p> <p>19          Would I be surprised to hear</p> <p>20      that the data -- give me the end</p> <p>21      of that.</p> <p>22          BY MR. DEARMAN:</p> <p>23          Q. Is down to the prescriber</p> <p>24      level.</p>

<p>1 A. Prescriber level? I have 2 never heard of data -- well, I'm sure 3 there's data at a prescriber level. 4 Where it is and how to get to it, I 5 don't -- I don't know.</p> <p>6 Q. And my question is would you 7 be surprised that --</p> <p>8 MS. LEVY: That was more 9 than one question, my friend.</p> <p>10 BY MR. DEARMAN:</p> <p>11 Q. And -- and would you be 12 surprised to hear that Actavis had access 13 to that data if they wanted it?</p> <p>14 MS. LEVY: Object to form.</p> <p>15 THE WITNESS: I can't answer 16 that question, yeah.</p> <p>17 BY MR. DEARMAN:</p> <p>18 Q. Because you don't know?</p> <p>19 A. Yeah, we didn't -- I don't 20 recall prescriber information being 21 discussed on the radar. We -- we led off 22 a big initiative with the indirect piece. 23 As you can see by this e-mail, when these 24 consultants caught wind of what we were</p>	<p>1 doing, they wanted in on it because it 2 would grow their business. They had tons 3 of clients that probably want the same 4 thing. We did not pursue that, to answer 5 your question. We did it on our own.</p> <p>6 MS. ANTULLIS: I'm done.</p> <p>7 MS. LEVY: I do not have 8 anything further.</p> <p>9 MS. ANTULLIS: Are there 10 questions from anyone on the 11 phone? Anybody hang in there.</p> <p>12 THE VIDEOGRAPHER: This 13 marks the end of today's 14 deposition. The time is 5:00 p.m. 15 Off the record.</p> <p>16 (Excused.)</p> <p>17 (Deposition concluded at 18 approximately 5:00 p.m.)</p>
<p>1 Page 383</p> <p>2 CERTIFICATE</p> <p>3</p> <p>4 I HEREBY CERTIFY that the 5 witness was duly sworn by me and that the 6 deposition is a true record of the 7 testimony given by the witness.</p> <p>8 It was requested before 9 completion of the deposition that the 10 witness, NANCY BARAN, have the 11 opportunity to read and sign the 12 deposition transcript.</p> <p>13 MICHELLE L. GRAY, 14 A Registered Professional 15 Reporter, Certified Shorthand 16 Reporter, Certified Realtime 17 Reporter and Notary Public 18 Dated: December 14, 2018</p> <p>19 (The foregoing certification 20 of this transcript does not apply to any 21 reproduction of the same by any means, 22 unless under the direct control and/or 23 supervision of the certifying reporter.)</p>	<p>1 Page 384</p> <p>2 INSTRUCTIONS TO WITNESS</p> <p>3 Please read your deposition 4 over carefully and make any necessary 5 corrections. You should state the reason 6 in the appropriate space on the errata 7 sheet for any corrections that are made.</p> <p>8 After doing so, please sign 9 the errata sheet and date it.</p> <p>10 You are signing same subject 11 to the changes you have noted on the 12 errata sheet, which will be attached to 13 your deposition.</p> <p>14 It is imperative that you 15 return the original errata sheet to the 16 deposing attorney within thirty (30) days 17 of receipt of the deposition transcript 18 by you. If you fail to do so, the 19 deposition transcript may be deemed to be 20 accurate and may be used in court.</p>

<p style="text-align: center;">Page 385</p> <p>1       -----  2                  ERRATA  3       -----  4   PAGE LINE CHANGE  5       -----  6   REASON: _____  7       -----  8   REASON: _____  9       -----  10   REASON: _____  11       -----  12   REASON: _____  13       -----  14   REASON: _____  15       -----  16   REASON: _____  17       -----  18   REASON: _____  19       -----  20   REASON: _____  21       -----  22   REASON: _____  23       -----  24   REASON: _____</p>	<p style="text-align: center;">Page 386</p> <p>1  2                  ACKNOWLEDGMENT OF DEPONENT  3  4                  I, _____, do  5   hereby certify that I have read the  6   foregoing pages, 1 - 387, and that the  7   same is a correct transcription of the  8   answers given by me to the questions  9   therein propounded, except for the  10   corrections or changes in form or  11   substance, if any, noted in the attached  12   Errata Sheet.  13  14  15  16                  NANCY BARAN                   DATE  17  18  19   Subscribed and sworn  20   to before me this  21       ____ day of _____, 20 ____.  22   My commission expires: _____  23  24                  Notary Public</p>
<p style="margin-top: 10px;">Page 387</p> <p>1                  LAWYER'S NOTES  2   PAGE LINE  3       -----  4       -----  5       -----  6       -----  7       -----  8       -----  9       -----  10      -----  11      -----  12      -----  13      -----  14      -----  15      -----  16      -----  17      -----  18      -----  19      -----  20      -----  21      -----  22      -----  23      -----  24      -----</p>	